SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 22, 2005

8:30 A.M.

(PAGES 2999 THROUGH 3055)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 2999

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1 I N D E X
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3 Note: Mr. Sneddon is listed as “SN” on index.
4 Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
5 Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
6 Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.
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9 PLAINTIFF’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
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11 PALANKER, Louise 3004-A 3046-M (cont’d)
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1 E X H I B I T S
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3 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
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5 340-A Transcript of rebuttal film 3003
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7 718 Copy of Check No. 114 3013 3015
8 719 Copy of Check No. 10893 3013 3015
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Santa Maria, California
Tuesday, March 22, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
THE JURY: (In unison) Good morning.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE COURT: Yes.
MR. SNEDDON: Judge, before we get started this morning, there's one housekeeping matter we -- it might be a good time to take care of.
BAILIFF CORTEZ: Your microphone, sir. They can't hear you.
MR. SNEDDON: I'll go over here.
Your Honor, a housekeeping matter that we probably should get taken care of. It's required by the Court rules that we file a transcript of the rebuttal film.
And I have submitted - I have here in my hand, I've given defense a copy, in fact, I gave it to them yesterday - an Exhibit 340-A, which would match up to the rebuttal tape. And I'm submitting that as the transcript for that particular exhibit.
THE COURT: All right. Thank you.
MR. SANGER: Your Honor.
MR. MESEREAU: Your Honor.
MR. SANGER: It should be marked for 3003

identification, but not received in evidence.
THE COURT: All right. I'll mark it for
identification only.
MR. MESEREAU: I'd like to review the
transcript, if I may, Your Honor.
THE COURT: You may. Before it's admitted.
MR. SNEDDON: I gave it to you yesterday.
You have a copy.
MR. MESEREAU: Oh, we do.
MR. SNEDDON: Yeah.
THE COURT: 346-A, is that --
MR. SNEDDON: 340, Your Honor.
THE COURT: All right. You may proceed.
MR. AUCHINCLOSS: Thank you, Your Honor.

LOUISE PALANKER
Having been previously sworn, resumed the
stand and testified further as follows:

DIRECT EXAMINATION (Continued)
BY MR. AUCHINCLOSS:
Q. Good morning, Miss Palanker.
A. Good morning.
Q. When we left off yesterday, we were talking
about the comedy camp and the Arvizos' attendance.
During -- and I believe you previously
testified that that camp operated for two months in
the summer of 1999, and that the Arvizo children 3004

were there each weekend, one day a week.
A. Yes.
Q. Okay. To your recollection, did they attend every session.
A. I don't think they missed one.
Q. Okay. And were all three of the children members of the comedy camp.
A. Yes.
Q. Did you personally work with them.
A. Yes.
Q. And how did that work. How did you -- what would you do when you would be -- would go with them at the comedy camp.
A. I'm a comedy writer, and primarily I would help the children come up with punch lines for their stories and work on their material with them.
Q. So, they make up jokes and you help them make them funnier.
A. They tell stories from their real life, just like adult stand-up comedians would. They talk about things that they've observed or things that happen in their lives, and we try to twist the material into punch lines to create good pieces of material for the kids that adults will laugh at.
Q. What is the goal of the comedy camp in working with these children.
A. To give the children self-esteem, confidence, creative thinking, things of that 3005

nature.
Q. Is it effective.
A. Yes. I believe it is.
Q. And why do you say that.
A. Some of these children don't really have a voice. They go through their day, no one's really listening to them. You give that child a microphone and put them on a stage, and everyone is watching them, and it really makes them feel like they matter. And I've seen it work.
Q. Did you form any attachment to the Arvizo children.
A. I did, yes.
Q. And how did you find them to be.
MR. MESEREAU: Objection; vague.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: How did you find them to be in terms of their personality.
Well, maybe I'll back off that question and ask you, why did you form an attachment to these children.
A. These children are --
MR. MESEREAU: Objection. Relevance; opinion.
MR. AUCHINCLOSS: Goes to this witness's relationship with the children.
THE COURT: Objection sustained.
MR. AUCHINCLOSS: Your Honor, I will be 3006

asking that this is foundation for an ultimate question regarding character.
MR. MESEREAU: Same objection.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: All right. How would the children -- would you notice how they would arrive at the camp.
A. They came by bus. City bus.
Q. And did you note how they would leave.
A. I believe they -- they left by bus. Took buses home.
Q. Okay.
A. With their mom.
Q. During the Christmas of that year that you met the Arvizos, did you do something special for the Arvizo family.
A. Yes. We -- Fritz Coleman wanted to bring presents to a needy family, and he asked me if I -- if I had any suggestions, and I immediately thought of the Arvizos.
Q. And did you talk with Mr. Coleman about what you were going to do for them that Christmas.
A. Yes. We discussed what we would -- what we would get the family, what we would get for the children, where we would get it.
And then we went to Best Buy, and we bought things. We had them wrapped, and we took them down there. 3007

Q. And what did you buy for the Arvizos.
A. We bought a microwave, a Play Station, several games. Something else for Davellin, because we weren't sure if she would like the games, and that's what we did.
Q. Do you recall about how much you spent.
A. Well, a microwave and a Play Station would be $500, $600, perhaps.
Q. And then you said something else for Davellin. Do you recall what that was.
A. I don't.
Q. And I suspect you split the cost of these gifts with Mr. Coleman.
A. Yes, I did.
Q. Did you deliver them.
A. Yes, we did.
Q. With Mr. Coleman.
A. Yes.
Q. Anybody else.
A. His two children.
Q. And was this before Christmas.
A. It was -- I looked at my calendar, it was the 20th, about that time.
Q. December 20th.
A. Yes.
Q. Okay. So tell me about delivering these gifts. Tell me how that came about.
A. We drove down there, and before we got out 3008

of the car, Fritz's younger son said he felt ill, so we didn't spend that much time in the home.
Q. So were all the Arvizos present.
A. I don't think David was there.
Q. Okay. So Janet, Gavin --
A. Gavin, Davellin and Star.
MR. ZONEN: Excuse me.
Q. BY MR. AUCHINCLOSS: Do you know why Mr. Coleman's son didn't want to get out of the car.
A. He said he felt sick, and he was scared, a little scared of the neighborhood.
Q. Did you see the Arvizos' apartment.
A. Yes, I did.
Q. Would you describe it for us, please.
A. You walk in. And it's one room. And I remember there was a mattress on the floor on the left, and a mattress on the floor on the right. And the kitchen area was within the same room. And they had a couple of pictures of the kids drawn, just taped up on the walls.
Q. Were the Arvizos happy to see you.
A. Yes, very happy.
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Overruled. She answered. Next question.
Q. BY MR. AUCHINCLOSS: And why do you say they were happy to see you. What makes you believe that. 3009

A. The kids started jumping on the mattresses.
Q. Did you bring them any cards.
A. Fritz's two sons had made them cards.
Q. Drawn the cards themselves.
A. Yeah. They drew the cards, yes.
Q. What did they do with those.
A. They hung them up on the walls.
Q. During the period that the Arvizos were visiting at the laugh -- at the comedy camp, did you ever see their father.
A. Never.
Q. You had never even met him at that point.
A. No, I hadn't.
Q. At the end of the comedy camp, was there -- I believe you mentioned there was a graduation or some kind of party.
A. Yes. There was a performance, and there was -- first it was a dress rehearsal performance one week, and then the following week, say on a Tuesday night, I believe, they were -- the following week was the actual graduation.
So all the kids in the camp, which -- usually the kids who make it to the end of the camp with enough material to perform are about 12 kids. So about 12 kids performed before the regular Laugh Factory lineup.
Q. Did all the Arvizos make the cut.
A. Yes, they did. 3010

Q. And where is that -- so that party takes
place at The Laugh Factory.
A. Right.
Q. And about what time of day; do you know.
A. It was about 8:00, between 7:00 and 8:30 at
night.
Q. Is it a celebration of sorts.
A. Yes.
Q. Did Mr. Arvizo show up for that.
A. No, he didn't.
Q. Was Janet there.
A. Yes, she was.
Q. At some point -- well, let me strike that.
After the comedy camp was over, did you
continue to have a relationship with the Arvizos.
A. I believe we spoke on the phone a few times,
but I did not see them until Gavin got ill, which
was in June.
Q. So you had -- you had the experience at the
summer -- during the summer of '99 with the comedy
camp.
A. And then Christmas.
Q. And then Christmas. And then you spoke
again when Gavin got ill.
A. Yes. Well, we spoke in between, but I
didn't see them.
Q. Okay. And who would you talk to when you'd
speak on the phone with the Arvizos. 3011

A. Janet would call and then she would put each of the kids on one at a time.
Q. So tell me about how you found out that Gavin became ill.
A. Janet called me.
Q. Tell me about that conversation.
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: Offered to explain her conduct which followed this phone call.
THE COURT: All right. I'll overrule the objection. This is not offered for the truth of the matter. It's offered only to explain the conduct that follows.
THE WITNESS: She was screaming, "Gavin has cancer."
Q. BY MR AUCHINCLOSS: Were you upset by this.
A. Oh, yes.
Q. And did Gavin go in the hospital after that phone call.
A. He was already in the hospital when she called me.
Q. Did you visit him.
A. Yes.
Q. During Gavin's stay at the hospital, how often would you visit him.
A. Two to three times a week.
Q. And can you describe your relationship with Gavin over this period. 3012

A. I think -- I think we became very close.
And it was very difficult, because he was very ill.
They gave him very extreme doses of chemotherapy,
and he became very, very ill.
Q. Did you become aware that he almost died.
A. Oh, yes.
Q. At some point did you offer some financial
assistance to the Arvizo family.
A. When Gavin was in the hospital the first
time I went down there before his operation, I
realized the gravity of the situation, and I decided
to pull his father aside and ask his father what the
situation was financially in terms of did they have
full medical coverage, and what else needed to be
done to help the family get through, get through
this crisis.
And I discussed that I was in a position to
give them some money so that David could take some
time off work and be with Gavin, and so that they
could fix up a cleanroom for Gavin.
Q. All right. I have several exhibits I'd like
to show you now, Miss Palanker.
I've previously showed counsel Item No. 718
and 719.
If I may approach.
THE COURT: You may.
Q. BY MR. AUCHINCLOSS: Miss Palanker, I show
you People's Exhibit No. 31. Can you identify that 3013

for me.
A. Janet Arvizo.
Q. And I show you People's No. 35. Would you identify that for me, please.
A. David Arvizo.
Q. I show you People's Exhibit No. 718. It appears to be a photocopy, not a very good, one of a check for $10,000, Check No. 114. It's dated 6-15-2000. Can you identify that for me, please.
A. That's my sister's -- excuse me, my sister's my business manager. That's her handwriting, and that's a check that she wrote to Janet.
Q. Okay. And I'm also going to show you a second exhibit, 719, appears to be a Check No. 10893, dated July 10th, 2000. Can you identify that for me, please.
A. That was a check made out to David three weeks after the first check.
Q. Okay. Also a check for $10,000.
A. Yes, for $10,000.
Q. All right. And are these copies, 718 and 719, are they fair representations as far as copies go of the checks that you wrote.
A. I imagine so, but I -- I didn't make them out. I just handed them to David, so I really didn't look at them that carefully.
Q. Okay. But you do recognize them.
A. Yes. 3014

Q. Thank you.
Ask to move Exhibits 718 and 719 into
evidence at this time.
MR. MESEREAU: No objection, Your Honor.
THE COURT: They're admitted.
MR. AUCHINCLOSS: All right. Could we have
the Elmo on, please, Your Honor.
THE COURT: "Input 4".
MR. AUCHINCLOSS: "Input 4."
Q. All right. Now, Miss Palanker, we have
Exhibit No. 718 that we're showing at this time. I
think you've identified that as a check that you
wrote. The check indicates it is made out to Janet
Arvizo. And I believe you testified that your
sister wrote this check.
A. Yes.
Q. And did she do it at your direction.
A. Yes, she did.
Q. It was written to Janet Arvizo. Was that
your idea to write it to Janet or did someone ask
you to write it to her.
A. David told me to.
Q. All right. And it's endorsed -- if you can
see underneath the endorsement, it appears to say,
"Thank you, Louise, my Sweetie Wheezy," with a heart
over the "Louise."
A. That -- that's Janet.
Q. Why do you say that. 3015

A. That's her personality.
Q. Okay. Is she prone to endearments like "Sweetie Wheezy".
A. Very much so.
Q. Okay. And the date of that check, June 15th, is that the date that you delivered it to David.
A. Probably not. There might have been one or two days lag in between my sister handing me the check and me going back down to the hospital. Or sometimes if -- my memory is confusing in terms of this, but it may have been at The Laugh Factory that I handed him the second check, because he started hanging out at The Laugh Factory at night.
Q. "He" being.
A. David.
Q. Okay. Now, I want to go back to the -- how this check was actually provided to the Arvizos and what preceded it.
Tell me why you wrote a check for $10,000 to Janet Arvizo.
A. Why I made it out to her or why --
Q. No, why you gave them a check for $10,000. What was the purpose.
A. Because I was in a position where I could help this family, and I didn't want to -- I didn't want Gavin to ever be alone in the hospital. And I didn't see -- I didn't see how a family of their 3016

means would be able to take off work and be with him if I didn't do this.
Q. Did you believe this check would help provide funds for his medical -- medical needs.
A. No, I did not.
Q. And why is that.
A. Because he was at Kaiser, and Kaiser provides full hospitalization.
Q. And how did you know that.
A. I knew that because my uncle passed away at Kaiser, and I knew that because I directly asked David if Gavin needed any financial help for medical purposes, and he told me no.
Q. Okay. Now, you mentioned a germ-free room. Tell me about that, that you thought the money might be used for such a purpose.
A. Yes. They told me that Gavin needed a room. And I had seen their apartment and I know they live in one room. And together we -- we determined that possibly Janet's parents could provide such a room, but that it would have to be fixed up, and the rugs ripped out and tile -- tile floor put down, and some other changes. I don't remember exactly, but to make sure that dust couldn't get in, et cetera.
Q. So at the time you wrote the check, was it your impression that David was working at that time.
A. He was working at that time at a Von's warehouse, to my understanding. 3017

Q. And I believe you testified that you wanted
him to take some time off to spend with Gavin.
A. Yes.
Q. Was it your impression that Janet was
working at that time.
A. It was my impression that she worked either
as a waitress, or a hostess at a restaurant, or
something like that. And that if she took time off
work, she would lose her job. But he would be able
to take time off work and then get his job back.
Q. So tell me about the circumstances
surrounding the act of your handing this check over
to David. Do you recall where it occurred.
A. It was probably at the hospital. I probably
pulled him out of the room and, you know, did it
privately.
Q. Okay. But you do specifically recall giving
it to David Arvizo.
A. Yes. Janet was seldom at the hospital.
Q. Okay. Did you have an explanation as to why
she was seldom at the hospital.
A. In the beginning, I didn't --
MR. MESEREAU: Objection. Objection. Calls
for speculation; and hearsay.
MR. AUCHINCLOSS: I'll strike that and move
on.
THE COURT: Could I have both counsel
approach for a minute. I want to address a ruling I 3018

made a few minutes ago.
MR. AUCHINCLOSS: Okay.
THE COURT: You can talk.
(Discussion held off the record at sidebar.)
THE COURT: All right. Thank you.
All right. Thank you. You may proceed,
Counsel.
Q. BY MR. AUCHINCLOSS: Okay. I think where we
left off, I'm covering the circumstances surrounding
your actually giving the check to David.
So you recall that it happened at the
hospital, I think you said it was maybe a day or two
after June 15th. Do you know who else was around.
A. I don't recall that.
Q. At that point, had anybody of -- any member
of the Arvizo family asked you for any money.
A. No.
Q. Had anybody influenced you in any way to
give that $10,000 check to the Arvizos.
A. No, it was fairly spontaneous. It's just a
decision I made after I saw Gavin and what the
situation entailed and would entail for this family,
and I just decided on my own to do it.
Q. Did you have any strings attached to this
check -- to the giving of this check in terms of
what the money had to be used for.
A. No.
Q. And what did you envision the money would be 3019

used for.
A. So that he could support his family. He has two other children, and a wife, and so he could support them and not have to be at work every day.
Q. So you didn't have any rules about what they spent that money on.
A. No, I didn't.
Q. Did you later become aware of some items or some changes or some redecorating, anything of that nature, that occurred to -- that -- well, let me strike that.
Did you later become aware of anything that the Arvizos used that $10,000 for.
A. I sent my contractor down to the home in El Monte, and when the room was finished they wanted me to come see it. And so I did. I went to see the room.
Q. And what did you see when you got there.
Well, maybe I should ask you first, did you go see the room.
A. Yes, I did.
Q. And what did you see when you got there.
A. It was a very small room in a suburban tract home in El Monte. And they had -- I don't know what the room looked like before, but it looked like they had bought a nice big bed for Gavin, some bedding. They explained that the carpet had been ripped up. And I saw that the tile -- and then 3020

there was -- the floorboards had been fixed so that it could be dust-free. And there was some kind of air conditioning/ air filtration device right outside the window. And then a hose and a hole had been created near the floorboards so that the filtrated air could come in. And they had bought a big television and a DVD player.

Q. Okay. And was that for Gavin's use.

A. Yes, but I believe the whole family would sit on the bed in there and watch it.

Q. Okay. After you made that charitable gift to the Arvizos, did any member of the Arvizo family start asking you for money.

A. Yes.

Q. Who was that.

A. David.

Q. How often did that occur.

A. Within two weeks of having given him the first check, and very often from that point forward.

Q. Now, you've previously identified David. Tell me, when was the first time you met him.

A. At the hospital right before Gavin's operation, the day that I offered him the money.

Q. And how long had you known him before he started asking you for money.

A. Two weeks.

Q. About two weeks. 3021

A. Yeah.
Q. So tell me how he would do that. How would he approach you for money.
A. He would say -- I don't remember the exact words, but it would be along the lines of, you know, "We're really strapped and we're not going to be able to make rent."
And he would -- he would -- I don't know if this is hearsay or not, but he would tell me that Janet had spent all the money.
Q. Did he tell you what Janet had spent all the money on.
A. He told me she was going crazy, and she had spent the money on votive candles and things of that nature, praying.
Q. Did you believe that, that she'd spent $10,000 on votive candles.
A. No, I didn't.
Q. Where would these conversations take place.
A. At the hospital and at The Laugh Factory.
Q. And so David would sometimes go to The Laugh Factory.
A. At night, yes.
Q. Would he come with Gavin.
A. One -- after Gavin's operation, he was in the hospital for about a month recovering. And then he had to start his first dose of chemo, so it was several months before Gavin was well enough to come 3022

to The Laugh Factory, or at least come between chemotherapy treatments. So at first he -- for several months, he would just come by himself.
Q. And at some point was there a benefit at The Laugh Factory for Gavin.
A. Yes. In October.
Q. So that's October 2000.
A. That's when Gavin was finally well enough to be able to attend.
Q. So prior to the time when Gavin would be -- was well enough to attend, if you can characterize it, about how many times did David come to The Laugh Factory.
A. 15 or 20. Maybe once a week or so.
Q. Was he given free admission, as far as you know.
A. Oh, yes.
Q. Why is that.
A. Because Jamie does that for people.
Q. At some time did you give this second check that you've identified to the Arvizos.
A. Yes. I explained to him that I could -- I could gift them each $10,000 per year without being taxed on it.
And when he asked me for a second check, I realized I needed to put some boundaries on the situation, so I told him I could gift him 10,000, as I had already gifted Janet $10,000, and then that 3023

would have to be it.
Q. Okay.
A. And I would tell him, "You're going to have to" -- towards the end of, I would say, four to five months into Gavin's illness, I would repeatedly tell him, "You're going to have to figure out how to get your family back into balance, and go back to work or make this work for everyone. Because I'm not going to be able to give you any more money."
Q. Were you concerned about the Arvizos' finances.
A. I was concerned that they weren't managing them very well.
Q. And why did you say that. Why did you believe that.
A. Because he asked me for a second check within three weeks.
MR. AUCHINCLOSS: Could we have the Elmo turned -- oh, it's already on. Then just the lights. Thank you.
Q. All right. I'm showing you People's Exhibit 719, which you previously identified. Is that the second check that was written to David Arvizo, a copy of it, I should say.
A. Yes, it is.
Q. And it's dated July 10th, 2000. Do you know if that's the date that you gave it to him.
A. Probably thereabouts, because he was acting 3024

as if he was fairly desperate to get the funds.
Q. And did you personally give him this check.
A. Yes, I did.
Q. Do you remember where you gave it to him.
A. I believe I gave him that check at The Laugh Factory.
Q. Was anybody else around, if you recall.
A. I think Gavin may have been.
Q. Okay. Was Gavin well enough to go to The Laugh Factory at that period of time, do you know, on July 10th.
A. For some reason I believe he was there. I -- you know, it's a long time ago. I may have two incidents confused in my mind.
Q. Okay.
A. Because I remember -- I remember something involving Gavin after having given David the second check, but it might not have been that same night. Because I also remember that we had to wait till October to do the benefit because Gavin wasn't well enough.
Q. All right. Did you have any impression as to what this second $10,000 was going to be used for.
A. The same purposes.
Q. Just for the family.
A. The room had already been fixed up, but he kept telling me they didn't have any money to live 3025

1 on. They didn't have any food and clothing.
2 Q. As far as your contractor goes, do you know
3 if he required to be paid for his services.
4 A. He charged them $800, which was just his
5 bare costs. He did the labor for free, as a gift to
6 the family, and he charged them $800.
7 Q. Do you know if David ever paid him that
8 money.
9 A. I don't believe he did.
10 Q. After you gave David the second check for
11 $10,000, did he make any further requests of you.
12 A. Yes.
13 Q. More requests for money.
14 A. Continuously.
15 Q. Did this cause you some concern.
16 A. Yes, it did.
17 Q. Why do you say that.
18 A. Because it's very difficult to keep saying
19 no. It's very awkward. And I had -- I had told him
20 that that was going to be it. It seemed like the
21 wisest thing for me personally to do in terms of the
22 situation. And he just kept asking.
23 Q. And did these conversations take place at
24 The Laugh Factory.
25 A. Primarily, yes, they did.
26 Q. Where else would they take place.
27 A. At the hospital. He'd pull me aside into a
28 hallway and ask for more money. 3026

Q. Same kind -- you tell me. What kind of --
what kind of requests would he make. How would he
word it.
A. "Is there anything else you can do for us.
We're really having a tough time." That type of
language.
Q. Did he ever indicate that he had any ties to
any organized crime.
A. Yes.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled. She said, "Yes."
Next question.
Q. BY MR. AUCHINCLOSS: What did he have to say
about that.
A. His brothers were thugs, he told me, and
gangsters, and that he disrespected that lifestyle,
and wouldn't live that way himself.
Q. Did you have any impression as to why he's
sharing that impression.
A. He told me a lot of personal things.
Q. Okay. So let's talk a little bit about the
benefit, the first benefit.
A. Okay.
Q. This happened at The Laugh Factory.
A. Yes.
Q. And the approximate date was in October, you
said.
A. I looked on my calendar, it was October 3027

1 26th, 2000.
2 Q. And do you know whose idea it was to have a
3 benefit.
4 A. Mine.
5 Q. All right. And the benefit's purpose.
6 A. To raise money for the family to live on.
7 Q. All right. And what was the -- what was the
8 plan. How was this benefit to take shape.
9 A. That Jamie periodically does benefits for
10 various causes, be they organized charitable
11 fundraisers or sometimes for an individual family in
12 need. So -- Jamie probably does a benefit every one
13 to two weeks, so he's fairly schooled in how to pull
14 it off. It's not that difficult.
15 You just call the best comics you can think
16 of, and have them donate their services for the
17 evening. Publicize it as best you can. Usually you
18 charge more at the gate than you would on a given
19 night, because it's a benefit.
20 And the money from the door is given
21 directly to the benefactors, and Jamie and his club
22 keep the money from the drinks and food.
23 Q. Okay. And how did the first benefit go.
24 Was it a success.
25 A. I believe it was. I don't know exactly how
26 much money was raised, but I would put it in the
27 neighborhood of $800 to a thousand dollars.
28 Q. Did Gavin attend this benefit. 3028

A. Yes, he did. He performed as well.
Q. How about Star.
A. Yes.
Q. And Davellin.
A. Yes.
Q. Was David there.
A. Yes.
Q. How about Janet.
A. I don't believe so.
Q. Was there a second benefit done under similar terms.
A. Yes, because I would discuss the situation with Jamie concerning David's repeated requests for money, and what we could do. And we ultimately decided sometime in 2001 or around -- around the beginning of 2001 to throw a second benefit for the family.
Q. Now, as far as the first benefit goes, you stated the gate would go to the Arvizo family.
A. Yes.
Q. Do you know about how much it would cost to -- as a cover charge or an entry fee to get into The Laugh Factory for such an event.
A. Well, Jamie would know that specifically. I would just be guessing, but I would guess 30 --
Q. I won't ask you to guess.
A. Yeah.
Q. If you have an examination, that's okay. 3029

1 But if it's a guess, I don't need it.
2 A. $20 to $30.
3 Q. Okay. And you also estimated around $800 to
4 a thousand dollars was produced that night for the
5 Arvizos.
6 A. I think so.
7 Q. Okay.
8 A. Once again, Jamie would have a better number
9 for you.
10 Q. And were you present when that money was
11 given to the Arvizos.
12 A. The second benefit I was, because there was
13 an incident surrounding it that I recall. The first
14 benefit I don't recall being present.
15 Q. Okay. Let's talk about the second benefit.
16 Whose idea was that.
17 A. Me and Jamie, again, in talking about the
18 family. He visited them as often as I did, so we
19 were -- we were very involved in this situation
20 together.
21 Q. So during the time that Gavin had come home
22 from the hospital, I assume he was staying at his
23 grandparents' house.
24 A. Yes, he would stay at the cleanroom.
25 Q. Would you visit him there.
26 A. No, I didn't. Just the one time. It was
27 really far from where I live and difficult, you
28 know, to get there. So I would wait until he was 3030

back at the hospital and I would visit him there.
Q. And so he would periodically go back to the hospital from his grandparents'.
A. Yes, for his next round of chemo.
Q. Okay. How long would he be in the hospital for a round of chemo.
A. A week or two.
Q. Do you know how many rounds of chemo he had.
A. I'm going to say nine. But I could be wrong.
Q. All right. So, do you know -- can you tell me what -- give me a time frame as to this period of these nine rounds of chemo.
A. About a year.
Q. And do you know about when they began and when they ended.
A. They probably began in July, when he had recovered enough from the surgery, and ended maybe June of the following year.
Q. All right. At the second benefit, was it a celebration of sorts.
A. It was, but it was also a little bit difficult, because some people felt that the family was just having another benefit because David kept pushing for it.
Q. Okay. Did you have some reservations as well.
A. I was always in favor of doing anything we 3031

could for the kids.
Q. Had you formed any suspicions about David at this point.
A. No. Other than that he didn't seem to hear me in terms of, "I'm not going to be able to give you any more money," and him -- him trying to become increasingly close.
Q. To you personally.
A. Yes. Yes.
Q. So tell me about the second benefit. Was it as similar to the first, different. You tell me.
A. I think there was less big-name talent, because -- I'm not sure exactly why, but the thing I do remember is that David was insistent that he wanted George Lopez to host it. And he kept pushing for that.
Q. Did George Lopez perform at the first benefit.
A. I believe he did. He had been their coach to get them ready to graduate. He had worked with the three Arvizo children one-on-one, and he was very close to them.
Q. And at the second benefit, did Mr. Lopez perform.
A. No, he didn't.
Q. Do you know why.
A. I believe he had become -- he and his wife Ann had become very aggravated with David. 3032

Q. Do you know why that was.
A. I don't -- I don't know all of the reasons, but one of them had to do with a wallet that Gavin had left at their home.
Q. Okay. So, at the second benefit was David Arvizo there.
A. Yes.
Q. How about the three Arvizo children.
A. Yes.
Q. Was Janet Arvizo there.
A. No.
Q. Did you ever come to understand why she was not there.
A. I would ask -- once I became closer with David and I felt it was appropriate for me to ask, I would ask, and he would tell me, "She's just having a nervous breakdown. She can't handle this, and she just prays a lot." And he would give me all kinds of different reasons that didn't make a lot of sense to me.
Q. So his reasons wouldn't always be consistent.
A. They would be different. But I know Janet, and I -- I didn't understand why she wasn't present.
Q. Okay. So I think you said that you were present at the time David received the money at The Laugh Factory for the second benefit.
A. Yes. 3033

Q. Where did that take place.
A. Upstairs. There's a VIP area upstairs where you can see the stage, but there's also tables and couches, and you can talk and not disturb the performance.
Q. And who was present when that money was given to David.
A. Gavin. I'm not sure if Davellin and Star were immediately present. They were at The Laugh Factory, but they may have been elsewhere.
Q. Was David delivered the money at that time.
A. Yes, he was handed -- he was handed the money in cash and checks.
Q. From --
A. From Jamie.
Q. Do you know if -- either of these benefits, if the children participated in helping out in any fashion.
A. They helped to the extent where -- when you do a benefit, you have -- you have to set up a table in the lobby, so that rather than people purchasing their tickets at the ticket booth, they purchase their tickets from the volunteers sitting behind a table.
And the situation doesn't have a staff, so Jamie asked me if I would sit behind the table and collect the money from -- from the people as they entered. And I wasn't comfortable with that 3034

1 situation, and he commissioned the three Arvizo
2 children and David to sit behind the table and
3 collect the money.
4 Q. All right. So do you know about how much
5 was collected at the second benefit.
6 A. I think it was about the same amount. $800
7 to a thousand dollars.
8 Q. And about what time was it that Jamie gave
9 this money to David, in the evening or the day.
10 A. 11:30. 11:30 in the evening.
11 Q. In the evening.
12 A. Yes.
13 Q. And tell me about that. Tell me about the
14 circumstances of that.
15 A. Well, there was some controversy concerning
16 the wallet. And I decided this would be a good
17 time, since me and Jamie and David were all
18 together, to clear up the controversy, because David
19 was very agitated about the situation where he
20 had -- Gavin had left his wallet, they had called
21 George, and said, “There was a wallet left at your
22 house with $300 in it.”
23 And when Ann found the wallet, there was
24 three dollars in it, and they became irate.
25 Q. So you’re talking about Ann.
26 A. Ann and George.
27 Q. Lopez.
28 A. Yes. 3035

Q. And they became irate. Why did they become irate.
A. I think they thought that David was lying about the amount of money in the wallet.
Q. Did you confront David at this time about this problem between him and George and Ann Lopez.
A. I did. He still kept calling George and asking him to host the benefit, and they wouldn't return the phone calls. And I said, "David, you need to leave it alone. Just let it go."
And George was going to be doing a live broadcast the following morning. He was a disc jockey at that time. He was going to be doing a live broadcast from a remote location, which radio stations frequently do.
And David wanted to go down there and personally ask George one more time, "You promised you would host this benefit."
And I said, "Don't go down there. He hasn't returned your phone calls. It's pretty clear he's not going to be at the benefit."
But he went down there. And George got up from behind his broadcasting booth and just started screaming at him in front of everybody.
Q. So did you confront David about this problem at that meeting.
A. I had Jamie come up, and I said, "David, is this is a good time to tell us what happened. What 3036

happened with the wallet."
And David brought Gavin over, and he said,
"Tell him. Tell him how much money was in the
wallet."
And Gavin said, "I have a couple of wallets,
Dad. I -- I don't -- I don't know what you mean."
And he just kept -- Gavin just kept saying,
"I don't know what you mean. I don't know what you
mean, Dad. I have a couple of wallets. Which
wallet. Which wallet, Dad."
And David kept saying, "Tell him about the
wallet, Gavin." And he got increasingly enraged at
Gavin.
And when Gavin wouldn't talk about the
amount of money in the wallet, David got really
frustrated, and angry, and he stood up, and he
turned to Jamie, and he said, "I don't want your
money," and he took the pile of cash and he threw it
at Jamie.
Q. Did you get the feeling that -- well, let me
strike that.
What happened after that, after the money
got thrown at Jamie.
A. Jamie turned and walked away. And David sat
back down and his face was red. And I said, "David,
I don't know what's going on, but you might as well
just pick up the money and take it, because Jamie's
not going to take it back," and so that's what he 3037

1 did. And we never solved the mystery of the wallet.
2 Q. All right. So after this second benefit,
3 did you continue to have a relationship with the
4 Arvizos.
5 A. I think it became less and less frequent,
6 because Gavin was getting well, and he started
7 spending more time with Michael.
8 Q. Okay. "Michael," who do you mean.
9 A. Michael Jackson.
10 Q. Okay. At some time during the early part of
11 2003, did you see the documentary "Living with
12 Michael Jackson".
13 A. Yes, I did.
14 Q. Did you recognize Gavin in that.
15 A. Yes. And I had TiVo'd it. And I had been
16 told in advance by a comedian friend that Gavin was
17 in it, so I was prepared to see Gavin.
18 Q. Do you recall what month that was in 2003.
19 A. Was it February. Around about that time.
20 January, February.
21 Q. And sometime after you saw that documentary,
22 did you attempt to contact the Arvizos.
23 A. Yes, I did.
24 Q. Were you successful.
25 A. No.
26 Q. Why not.
27 A. All of their numbers had been disconnected.
28 Q. So when was the next time you had contact 3038

with the Arvizo family.
A. I wrote a note to Janet and sent it to her mother's house, and she called me within a couple of days.
Q. Do you know if she called you in response to the note.
A. In response to the note and because she felt that she was in trouble.
Q. Do you know if she had received the note. Do you know that.
A. She had heard about the note from her mother.
Q. All right. So do you recall about what time of the month this phone call took place between you and Janet.
A. It may have been late February, early March. I can't really -- I can't really pinpoint it.
Q. So tell me about the phone conversation.
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: I'll lay a little additional foundation, Your Honor, but it will be offered as a spontaneous statement and as a state-of-mind exception.
THE COURT: The foundation objection is sustained.
Q. BY MR. AUCHINCLOSS: Could you tell me about Janet's demeanor when she called.
A. She was extremely agitated, and she was 3039

almost whispering.
Q. Could you tell if she was weeping.
MR. MESEREAU: Pardon me, I couldn't hear
that.
Q. BY MR. AUCHINCLOSS: Could you tell if she
was crying at the time.
MR. MESEREAU: Objection; this is leading.
MR. AUCHINCLOSS: It's foundational.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Okay. Can you tell me
anything else about her emotional demeanor during
this phone call.
A. She may have been crying at some point in
the conversation. She was very frightened.
Q. Was -- can you characterize her level of
emotion in relation to Janet's normal demeanor.
A. Well, Janet's a very emotional person,
and -- but this was different. She's usually
emotional in a very ebullient, happy, charming type
of personality. And this was fear. This is
fear-based agitation.
Q. Were you concerned.
A. It was an extremely disturbing phone call.
Q. Tell me what she said.
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: Spontaneous statement.
Also offered for the state of mind of one of the
victims. Or I should say -- well, of Janet Arvizo. 3040

THE COURT: All right. I'll allow the statement.
THE WITNESS: She started by saying, "Wheezy, if you have caller I.D., this is not a safe line. Don't call me back here. They're listening to everything I say."
Q. BY MR. AUCHINCLOSS: Did she go on to tell you more.
A. She said, "These people are evil. They're keeping us."
I would say, "Where are the children."
"The children are with me."
I said, "Are the children in school."
She said, "No," and that's when she started crying.
I said, "Can I come and see you."
She said, "No."
She wanted me to come and get them and meet them at --
THE COURT: Just a moment. Now you've gone beyond the proposed --
THE WITNESS: Oh, sorry.
THE COURT: You've gone beyond your offer of proof. And I'll stop her at that point.
And I'll advise the jury that the statements that the witness just related to you that Janet said are to be used by you only for the purpose of establishing Janet's state of mind, not for the 3041

truth of the matter that Janet stated.
All right. You cannot continue with the way you're doing it. Go ahead, next question.
MR. AUCHINCLOSS: May I offer it under the spontaneous exception --
THE COURT: I've accepted that, but you're now into a lengthy conversation. The spontaneity has left. Start with another question immediately.
MR. AUCHINCLOSS: All right.
Q. So did she explain any further what was causing her agitation.
MR. MESEREAU: Same objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Were you concerned after this phone call.
A. Yes, I was concerned enough to call my lawyer immediately following the phone call.
Q. Why were you concerned.
A. She told me they were going to send her --
MR. MESEREAU: Objection --
MR. AUCHINCLOSS: Offered to explain this witness's conduct.
MR. MESEREAU: -- hearsay.
THE COURT: The objection is sustained.
Q. BY MR. AUCHINCLOSS: Did you do anything.
Did you take any action after this phone call.
A. I told her to, "Call me tomorrow at noon," and I would meet her at a location that we had 3042

predetermined.
Q. And did you ever receive the phone call.
A. No, I didn't.
Q. I should say from Janet the following day or any other day after that --
A. No, I didn't.
Q. -- during that time period.
Did you take her remarks seriously.
A. Yes, I did.
Q. Did you call anybody after this phone call.
A. Just my lawyer.
Q. Why did you call your lawyer.
A. I felt that they were being held against their will.
Q. And did you consult with your lawyer about this subject.
A. He told me that --
MR. MESEREAU: Objection. This is hearsay.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Miss Palanker, over the years that you've known the Arvizos, have you had an opportunity to interact with Janet -- with Janet Arvizo under a variety of circumstances.
A. Yes, I have.
Q. What type of circumstances.
A. I visited -- I have seen her the whole summer at The Laugh Factory, probably three to four times at the hospital, and many, many phone 3043

conversations during her divorce from David.
Q. Have you had an opportunity to interact with her children, the Arvizo children, each of them.
A. Yes, I have.
Q. Also under a variety of circumstances.
A. Yes.
Q. Have you formed any affection for Janet Arvizo.
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
MR. AUCHINCLOSS: It's offered as a foundational on -- for character evidence.
THE COURT: The objection was leading. It's sustained.
Q. BY MR. AUCHINCLOSS: Have you formed any emotional bonds -- well, have you formed any -- let me just make it open-ended. How would you characterize your relationship with Janet Arvizo.
A. I feel that she's a lovely, caring person.
MR. MESEREAU: Objection; nonresponsive.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: I guess the question -- you have to answer the question specifically. How would you characterize your relationship with Janet Arvizo. Without saying what you think about her, how would you characterize your relationship.
A. We're friends. 3044

Q. And how would you characterize your relationship with Gavin Arvizo.
A. Friends.
Q. Davellin.
A. Friends.
Q. Same with Star.
A. Yes.
Q. Do you continue to communicate with the Arvizo family.
A. Yes, I do.
Q. Has Janet Arvizo -- has Janet Arvizo ever asked you for money.
A. No.
Q. Have you ever had the impression that she was interested in your money.
MR. MESEREAU: Objection. Improper opinion; relevance; foundation.
MR. AUCHINCLOSS: It's a fairly --
THE COURT: Overruled.
You may answer.
THE WITNESS: No.
Q. BY MR. AUCHINCLOSS: How would you characterize your ability to judge character.
MR. MESEREAU: Objection. Relevance; improper opinion.
THE COURT: Sustained.
MR. AUCHINCLOSS: Foundation for -- all right. 3045

1 Q. Miss Palanker, during your period of time
2 that you've known Gavin Arvizo, have you been able
3 to form an opinion about him concerning his
4 character for honesty.
5 A. Yes, I have.
6 Q. And what is that opinion.
7 MR. MESEREAU: Objection. Relevance;
8 foundation.
9 THE COURT: Overruled.
10 You may answer.
11 THE WITNESS: He's been honest in the face of
12 others wishing him not to be.
13 Q. BY MR AUCHINCLOSS: So you believe he is an
14 honest person.
15 A. Yes, I do.
16 MR. AUCHINCLOSS: Thank you. I have no
17 further questions.
18 THE COURT: Cross-examine.
19 MR. MESEREAU: Yes, please, Your Honor.
20
21 CROSS-EXAMINATION
22 BY MR. MESEREAU:
23 Q. Good morning.
24 A. Hey, how are you.
25 Q. Fine, thanks.
26 Miss Palanker, my name is Tom Mesereau, and
27 I'm here to speak for Michael Jackson.
28 A. Uh-huh. 3046

Q. You've testified to your opinion about the character and honesty of Janet Arvizo.
A. Yes.
Q. You've also testified to your opinion about the character and honesty of Gavin Arvizo, right.
A. Right.
Q. Do you know anything about the J.C. Penney lawsuit.
MR. AUCHINCLOSS: Your Honor, I'm going to move to strike the question that counsel raised. You've testified to your opinion about the character and honesty of Janet Arvizo. She's never testified about that. I never asked her any questions concerning that.
THE COURT: That was his question, though. Your objection is overruled.
Q. BY MR. MESEREAU: Did you know that Gavin Arvizo and Janet Arvizo sued J.C. Penney stores when Gavin was caught with unpaid merchandise in the parking lot, and that both claim that security guards at J.C. Penney's pulled Janet's breasts out of her blouse, squeezed her nipple 10 to 25 times --
MR. AUCHINCLOSS: Objection. 403, Your Honor.
THE COURT: I'm sorry, what's the objection.
MR. AUCHINCLOSS: Objection. 403, as well as improper.
MR. MESEREAU: I think the door is opened, 3047

Your Honor.
MR. AUCHINCLOSS: As well as improper impeachment without a good-faith basis. I have a good-faith basis.
MR. MESEREAU: And I think they've opened the door.
THE COURT: Just a moment.
MR. MESEREAU: Yes, Your Honor.
THE COURT: Let's be sure about one thing. Even though I allowed your question, there's been no character testimony allowed as to Janet Arvizo. Understood. You successfully objected to that.
MR. MESEREAU: Okay.
THE COURT: Okay.
MR. MESEREAU: Now, I'll limit my question --
THE COURT: Just a moment. I've got to scroll back. I wanted to see something else. But I've got to capture it here. If you'll bear with me a moment.
The second thing is the objection under 403, as to going into the J.C. Penney case, is sustained.
MR. MESEREAU: Yes, Your Honor. May I inquire, Your Honor, with respect to the character testimony of Gavin, is it still precluded.
THE COURT: No. You know, I think maybe it would be better if you approach so we don't talk in 3048

front of the jury for a second, so I can give you some limitations on your questions.
(Discussion held off the record at sidebar.)
THE COURT: All right. I think we're ready to proceed again.
Q. BY MR. MESEREAU: Miss Palanker, did you know that in the J.C. Penney lawsuit, Gavin Arvizo claimed that at the age of eight he had taken merchandise out of J.C. Penney that was not paid for, and run into the parking lot so he could trick his father into purchasing it.
A. No.
MR. AUCHINCLOSS: Objection. Form of the question; "did you know."
THE COURT: You should say, "Have you heard," but I'll allow the question.
THE WITNESS: No, I didn't know that.
Q. BY MR. MESEREAU: Would it be accurate to say you don't know anything about that lawsuit. Right.
A. I knew something of it, but they had told me they were not allowed to talk about it.
Q. Did you ever learn how much money, if any, was recovered by the Arvizo family in that case.
A. No, I didn't.
MR. AUCHINCLOSS: Objection. Relevancy as to credibility; irrelevant.
THE COURT: Overruled. The answer's in. 3049

1 Next question.
2 MR. MESEREAU: May I see those exhibits,
3 Your Honor. Are they -- oh, here they are. Thank
4 you.
5 Q. Miss Palanker, referring you to Exhibit 719,
6 which is the $10,000 check that you wrote to David
7 Arvizo, okay.
8 A. Uh-huh.
9 Q. Now, it says on the check that he's living
10 at Ramer Street in El Monte, California. Was that
11 your understanding when you wrote that check.
12 A. I would just ask him how he wanted the check
13 made out or who he wanted it -- where he wanted it
14 sent or -- I don't remember.
15 Q. I notice the date is July 10th, the year
16 2000. And this is the second $10,000 check you had
17 written, right.
18 A. Okay.
19 Q. The first one you wrote to Janet Arvizo on
20 June 15th, 2000.
21 A. Uh-huh.
22 Q. Right.
23 A. Yes.
24 Q. So there's really about a, what, three-week
25 difference --
26 A. Right.
27 Q. -- between the two.
28 I don't see any address for Janet on the 3050

check to her, but I notice that David's address is
Ramer Street.
Did you ever question where he was living at
the time.
A. Nope.
Q. You just put on what he wanted; is that
true.
A. Yeah, I did.
Q. All right. Now, you testified that David
asked you to make out the first check to Janet,
true.
A. Yes, he did.
Q. And you testified that you wanted to make
the second check out to David for tax reasons, is
that correct.
A. Right.
Q. In other words, he wanted you to write a
second check to Janet, but you couldn't do that
without paying a gift tax because it was over the
$10,000 limit, right.
MR. AUCHINCLOSS: Objection; assumes facts
not in evidence.
THE WITNESS: He didn't ask me to.
Q. BY MR. MESEREAU: Pardon me.
MR. AUCHINCLOSS: Objection; assumes facts
not in evidence.
THE COURT: Overruled.
THE WITNESS: He didn't ask me to. When he 3051

started asking me for more money, I told him that it would have to be made out to him, so he never asked me to make out a second check to Janet.
Q. BY MR. MESEREAU: Okay. Now, you testified in response to the prosecutor's questions that David, to your knowledge, never paid the repairman who fixed up Gavin's room in El Monte, right.
A. That no one from the Arvizo family had paid him.
Q. So it wasn't just David who didn't pay them, Janet didn't pay the person either.
A. He wasn't paid.
Q. He just wasn't paid, period.
A. Yes.
Q. Okay. Now, at some point you learned that both of these checks were deposited into Janet's mother's bank account, right.
A. I only learned that after the private investigator informed me of that.
Q. And that was an investigator for the defense, right.
A. For -- yes. Yes.
Q. And you don't know whether David even had check-writing ability on Janet's mother's bank account, right.
A. I didn't know any of those types of particulars, no.
Q. So realistically, you don't know whether 3052

David even had the capacity to write a check on any of the $20,000 that you gave the Arvizos, right.
A. I never asked for any accountability. I just gave the money.
Q. Okay. Okay. Did you ever ask Janet, "Janet, why didn't you pay the fellow who repaired the room for Gavin."
A. I discussed it with the contractor, when I found out that he had not been paid. I said, "I'll pay you." I said, "Would you like me to check into that." I just couldn't believe that he hadn't been paid, based on the amount of money that I had given them.
And I said, "Would you like me to call them." He said, "No, just -- let's just let this be my gift to Gavin."
Q. So he decided that he would just donate his work at that point.
A. Yes.
Q. But your understanding was that when he did the work, he was expected to be paid, correct.
A. Oh, yes. Yes.
Q. Now, in response to the prosecutor's questions, you indicated that David had called the Lopezes to talk about the $300 in the wallet, right.
A. Yes.
Q. But when you were interviewed by the Santa Barbara Sheriffs, you told them that Gavin had 3053

called the Lopezes to talk about that, didn't you.
A. I wasn't there. So I don't know which one of them called. So I may have told the story differently.
Q. Okay. Would it refresh --
A. It wasn't anything I witnessed.
Q. So you don't really know which one called.
A. No, I don't.
Q. Okay. I'm not trying to press you on this. Is there a reason why you told the Santa Barbara Sheriffs that Gavin called the Lopezes to complain.
A. I don't recall a reason, no.
Q. Okay.
A. One of them -- I may have said that because it was Gavin's wallet.
Q. Okay. Okay.
THE COURT: Is this a good place for our break.
MR. MESEREAU: Yes, sir.
(Recess taken.)

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3003 through 3054 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 22, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 22, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, MARCH 22, 2005

8:30 A.M.

(PAGES 3056 THROUGH 3131)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 3056

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1 I N D E X
2
3 Note: Mr. Sneddon is listed as “SN” on index.
4 Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
5 Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
6 Mr. Sanger is listed as “SA” on index. Mr. Oxman is listed as “O” on index.
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9 PLAINTIFF’S WITNESSES DIRECT CROSS REDIRECT RECROSS
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11 PALANKER, Louise 3101-A 3115-M
12 3129-A (Further)
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THE COURT: Go ahead, Counsel.
MR. MESEREAU: Thank you, Your Honor.
Q. Miss Palanker, I'd like to ask you a couple of questions about your interview with the Santa Barbara sheriffs on January 7th, 2005. Okay.
A. Uh-huh.
Q. You've told the sheriffs that you met the Arvizo family probably around '98 or '99, right.
A. Right.
Q. Do you know which year it was, do you think.
A. It was 1999. I've since had a chance to look at a calendar.
Q. Okay. And obviously you met them at The Laugh Factory --
A. Yes.
Q. -- right.
Okay. Now, you told the sheriffs the following, when you were discussing giving the Arvizos $10,000, okay. You said, "I gave him a check," "him" being David, "a check for $10,000, and he accepted that. But the thing was, that a few weeks later, he was asking for more money, so that's when I started going" -- and you said, "That was the thing where I went out of balance with this family."
Sound right.
A. I felt the family was out of balance.
Q. Yes. 3059

A. Yeah.
Q. And then you mentioned Janet, and you talked about what was happening, and you said, "I believe the kid -- and the kids collaborated in what she was saying. I just wanted to be out of it."
Clearly when you talked to the sheriffs, you were including Janet in your problems with the Arvizo family, weren't you.
MR. AUCHINCLOSS: Objection. Argumentative.
THE COURT: Overruled. You may answer.
THE WITNESS: I don't recall. They were all a family. There were five of them.
Q. BY MR. MESEREAU: You told the sheriffs, "This family can be as whacky as they want to be," right.
A. I don't recall saying that or what I would have meant by that, because you're saying it to me out of context.
Q. Would it refresh your recollection if I just showed you the transcript of your interview.
A. Yes.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
THE WITNESS: There's several things in here that say "inaudible," so I'm having a difficult time remembering what the intent of this passage was because I was talking casually, so I don't recall.
MR. MESEREAU: Okay. Let me just have that. 3060

Q. Have you had a chance to review those pages of transcript.
A. Yes.
Q. And do they refresh your recollection about your interview with the Santa Barbara sheriffs.
A. Not really.
Q. Do you recall making statements to the Santa Barbara sheriffs on or around July 7th, 2005.
A. Yes.
Q. And were you at a meeting with the sheriffs.
A. Yes. They came to where I was working, yes.
Q. Okay. And you don't recall saying, "This family can be as whacky as they want to be".
A. It was probably --
MR. AUCHINCLOSS: Your Honor, I'm going to object and move to strike. I believe counsel misspoke when he said "July 7th, 2005."
BAILIFF CORTEZ: Can't hear you, sir.
MR. MESEREAU: Pardon me, January 7th. I did misspeak. My mistake. Let me restate the question.
Q. You do recall being interviewed by the sheriffs on January 7th, 2005, right.
A. Yes.
Q. And do you recall making general statements to the sheriffs about the Arvizo family.
A. Yes.
Q. Do you recall telling them that you "went 3061

1 out of balance with this family".
2 A. No.
3 Q. You don't recall making those statements at
4 all.
5 A. That was not the intent of what I had said.
6 Q. Okay. Did you say that.
7 A. I said I felt that something had gone out of
8 balance; something was out of balance within that
9 family.
10 Q. Okay. And do you recall, referring to
11 Janet, saying that you believed the kids were
12 collaborating in what she was saying.
13 A. No, I don't.
14 Q. Okay.
15 A. There's several things in there that are
16 marked "inaudible," and so I know I never said
17 anything to that extent.
18 Q. Okay. Do you recall saying, "This family
19 can be as whacky as they want to be".
20 A. I'm a comedian, and I'm sure I was talking
21 casually about something involving the family being
22 out of balance.
23 Q. Okay. Okay. Do you recall telling the
24 Santa Barbara sheriffs that Janet wanted to move --
25 take her kids and move into your home.
26 A. No, I never told them that.
27 Q. You never told them anything like that.
28 A. No. 3062

1 Q. Okay. Have you ever told that to any
2 sheriff at any time.
3 A. No. She wanted me to pick them up at one
4 point so she could talk with me about what was
5 happening in her situation.
6 Q. Did you know you were being tape-recorded in
7 this discussion.
8 A. No, I don't think I did.
9 Q. Do you remember telling them that, "I know
10 that Janet's unbalanced. I think she's totally
11 bipolar".
12 MR. AUCHINCLOSS: Objection. Improper
13 opinion.
14 THE WITNESS: Do I answer.
15 THE COURT: Overruled.
16 (To the witness.) I'm thinking.
17 (Laughter.)
18 THE COURT: You may answer.
19 THE WITNESS: I'm not a psychiatrist, but
20 she -- she's very excitable.
21 Q. BY MR. MESEREAU: But do you remember
22 telling the sheriffs the following: "I know that
23 Janet's unbalanced. I think she's totally bipolar.
24 Something -- the behavior from the children from the
25 family was so over the top all the time". Do you
26 remember saying that.
27 A. Yes, I do.
28 Q. Okay. Do you remember telling the Santa 3063

Barbara sheriffs when you were talking about letters you received from the Arvizos, “You don’t just get one letter from them. You get five letters from them. You don’t get one phone call. You get five phone calls. A message from Janet on your answering machine can last five minutes.’ She mimics types of messages on the phone.”

You mimicked for the sheriffs her messages on the machine. Do you remember that.

A. Yes, I do.

Q. Is that something you said.

A. Yes. I was exaggerating. I didn’t know I was being taped.

Q. Do you remember telling the Santa Barbara sheriffs, when you didn’t realize that you were being recorded, “Janet would sell them at the benefits, then sell them at the hospital, and David was never at The Laugh Factory when the children were coming”.

A. “Sell them”. I don’t remember saying that, no.

Q. Okay. Would it refresh your recollection if I show you a transcript of your recorded statement.

A. Okay.

MR. MESEREAU: May I approach, Your Honor.

THE COURT: Yes.

MR. MESEREAU: Thank you.

THE WITNESS: It says “inaudible,” and I 3064

don't know what I was referring to.
Q. BY MR. MESEREAU: Okay. Have you had a chance to review that page.
A. Yes, I have.
Q. Do you recall telling the sheriffs --
MR. AUCHINCLOSS: Counsel, may I see that.
MR. MESEREAU: Sure.
Let me withdraw that question. Let me start again.
Q. You've had some meetings with the prosecutors before you came in to testify, true.
A. Over the phone.
Q. And you talked to some Santa Barbara sheriffs over the phone as well, correct.
A. I talked to the sheriffs in person.
Q. Did -- at any time, did any of them tell you that your conversation with the sheriffs had been recorded.
A. I don't believe so.
Q. Okay. Is today the first time you ever realized that they had recorded you without your knowledge.
A. No, I found out a couple days ago.
Q. Who told you.
A. Ron.
Q. Prosecutor Zonen.
A. Yes.
Q. Okay. Okay. Do you recall telling the 3065

officer, “Janet would sell them at the benefits, then sell them at the hospital, and David was never at The Laugh Factory when the children were coming”.
MR. AUCHINCLOSS: Your Honor, I’m going to object and ask counsel to notify the witness when there are inaudible portions of the statement that he is reading.
THE COURT: I don’t think he’s required to do that. But the question is -- all right. You may answer the question, but I know you won’t remember it, so I’ll have it reread.
THE WITNESS: I believe that the first portion of that statement is mistyped.
Q. BY MR. MESEREAU: Okay.
A. The second portion of that statement is correct.
Q. Okay. So you don’t think you told the sheriffs, “Janet would sell them at the benefits, then sell them at the hospital”.
A. No, I don’t.
Q. Okay. Do you remember telling them that Janet was never at the hospital.
A. Yes, I do. I think it may have been “seldom,” now that I’m thinking of how they would have mistyped it.
Q. Do you remember being asked if Janet had ever approached you for money in that phone conversation -- excuse me, in that interview. 3066

A. Say it again. I was just thinking about my last thought. I'm sorry.
Q. Okay. In that interview on January 7th, 2005, with the Santa Barbara sheriffs, do you remember being asked if Janet had ever personally approached you or asked you for money.
A. I told them she hadn't.
Q. No, you have to answer my question, please.
A. Okay.
Q. Do you remember being asked that question.
A. Yes, I do.
Q. Do you remember responding, "It was always David or it was the children being coached to ask me for a laptop".
A. I felt that Gavin had been coached to ask me for a laptop.
Q. Did Gavin ask you for the laptop.
A. He would go like this (indicating), because I had promised him one, so he was reminding me.
Q. So you were asked by the officer, "What do you mean by coached." Do you remember that.
A. Yes.
Q. And you said, "being coached to tell me that they hadn't gotten any Christmas presents (inaudible)".
A. Star had told me that, yes.
Q. Did you believe Star when he told you they hadn't gotten any Christmas presents. 3067

A. I didn't, really. I wasn't sure. A lot of people were giving them gifts at that time.
Q. Did you think Star was being coached.
A. I did.
Q. Okay. And how do you know a lot of people were giving them gifts around the same time that Star said, "We don't have any Christmas presents".
A. I don't know. I just know that people visited them, comedians visited them, and it was Christmastime, so I felt that he -- they probably would have gotten something.
Q. Okay. And in discussing Gavin asking for a laptop, you told the sheriffs, "But he's right next to David asking for things. The father should say, 'Honey, don't ask for anything. She's being very generous.'" Do you remember saying that.
A. Yes, I do.
Q. What did you mean by that.
A. I had just given David a second check for $10,000 within a three-week period of time, and I felt that David should have told Gavin, "We'll get you the laptop, Honey. It's taken care of."
Q. And this is when you thought Gavin was being coached to ask you for the laptop.
A. Because David was right there and he didn't stop him.
Q. But you don't know if his mother coached him at all, do you. 3068

A. His mother wasn't there.
MR. AUCHINCLOSS: Objection. Speculation.
THE COURT: The objection is overruled. She did answer, though.
Q. BY MR. MESEREAU: Okay. Do you recall saying, "And -- and David was never at The Laugh Factory when the children were coming". Do you recall saying that.
A. During comedy camp. I recall saying that.
Q. That was referring to comedy camp.
A. Yes.
Q. Janet was always at the comedy camp, right.
A. Yes.
Q. At The Laugh Factory.
A. Yes.
Q. Okay. And when did you learn there was a problem with George Lopez.
A. David told me about it at The Laugh Factory.
Q. And do you remember -- do you remember telling the Santa Barbara sheriffs with respect to George Lopez the following: "I guess she had left a message on her machine screaming something that they were taking advantage of her child and that she didn't want to have anything more to do with them and David."
A. Yes, I --
Q. Do you remember.
A. I remember saying that, yes. 3069

Q. And you were referring to Janet, correct.
A. I was referring to Ann Lopez.
Q. Okay. Weren't referring to Janet at all.
A. No.
Q. Okay. Do you remember saying to the sheriffs, "Janet always put him up to it, and he had to do what she told him to do".
A. No.
Q. Remember saying those words.
A. No, I don't.
Q. Would it refresh your recollection if I show you the transcript.
A. Okay.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
THE WITNESS: All right.
Q. BY MR. MESEREAU: Have you had a chance to look at that portion of transcript.
A. Yes, I have.
Q. Does it refresh your recollection about what you said.
A. No. I think it's a very inaccurate depiction of what would have been said.
Q. So you don't think you said, "Janet always put him to it, and he had to do what she told him to do".
A. No, I don't.
Q. Okay. Now, to your knowledge, did Jamie 3070

Masada have any involvement in the dispute with George Lopez.
A. To the extent where David told both Jamie and I had what had transpired.
Q. And did Jamie try to solve that problem, if you know.
A. Yes, he did.
Q. You knew the Arvizos had been at George Lopez's house; is that correct.
A. Yes.
Q. How did you learn about that.
A. When they told me about the incident with the wallet. And he may have known that they had them over from time to time.
Q. And at some point, you told the sheriffs you thought David had made Gavin call and say the money was in the wallet, right.
A. Yeah, I was trying to remember, but I don't remember.
Q. Do you remember saying that.
A. I probably said that, yes.
Q. Would it refresh your recollection if I just show you the transcript.
A. I think I know -- I think I know what I would have said. I would have said that I thought David had Gavin call, but I'm not sure who called.
Q. Okay. Do you remember telling the sheriffs, "These people are teaching their kids to lie". 3071

A. No, I don't.
Q. Would it refresh your recollection if I show you a portion of the transcript of your recorded statement.
A. Okay.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that portion of the transcript.
A. Yes, I have.
Q. Does it refresh your recollection about what you told the sheriffs.
A. Yes, it does.
Q. And what did you tell them.
A. That that would have been George and Ann's suspicion.
Q. So George and Ann Lopez suspected that the Arvizos were teaching their kids to lie.
A. That would have been my understanding of what was going on.
Q. Okay.
A. Because they found a wallet and there was only three dollars in it.
Q. Right. Okay. Now, you indicated that David told you that Janet had spent the money that you had generously given them.
A. No.

Q. What did you say about that.
A. Oh, that David told me that.
Q. Yes.
A. Yes, he did.
Q. And did he tell you what he had thought she had spent it on.
A. Votive candles.
Q. Anything else.
A. I can't recall anything else he said.
Q. Well, he didn't really just tell you she'd spent $20,000 on votive candles, did he.
A. He said, "She's going crazy and she can't cope with this situation, and she's buying a lot of statues and votive candles." I don't remember -- he -- it was one big blurry sentence that didn't make a lot of sense to me, considering the amount of money.
Q. And you did tell the sheriffs, in referring to the -- what the Arvizos had done with your money, "They bought him a giant, like, flat-screen picture and picture T.V. and DVD player. You know, a kid at that point, five years ago, doesn't really need more than a VHS." Do you remember that.
A. Yes, I did say that.
Q. And were you upset that your money had been spent that way.
A. I wouldn't use the word "upset." I was concerned that they weren't going to be very good at 3073

budgeting their money.
Q. So you weren't complaining that they should have spent it on a VHS.
A. No, it was just a thought in my head.
Q. Well, your thought in your head was, "Why spend the money on a flat-screen picture T.V. and a DVD player," right.
A. That was my thought. I didn't articulate that to them.
Q. You didn't articulate that to the Arvizos.
A. No, I didn't.
Q. You didn't think it was your place to tell them how to spend it, right.
A. I really didn't, no.
Q. You also told the sheriffs you think Jamie Masada is a pathological liar, right.
A. It was hyperbole. I had a falling-out with him, and his English is difficult to understand and sometimes he doesn't recall events correctly.
Q. But you told them, "I think Jamie is a pathological liar," correct.
MR. AUCHINCLOSS: I'm going to object and move to strike. Mr. Masada's character is not in evidence -- is not in issue here.
MR. MESEREAU: I think the prosecutor did bring out testimony about Mr. Masada throughout his examination.
THE COURT: The objection is overruled. 3074

THE WITNESS: I -- I said something along those lines, because he sometimes doesn't recall things. But I'm a comedian, so --
Q. BY MR. MESEREAU: Well, but just not recalling things doesn't make you a pathological liar, right.
A. I'm not in a place to really make that diagnosis, so --
Q. Well, you told them, "I think Jamie's a pathological liar," right.
A. I may have said those words.
Q. Would it refresh your recollection to look at the transcript.
A. No, I may have said those words.
Q. I'm trying to find out if you did, okay.
A. I probably did. But I was exaggerating.
Q. Okay. You talked about Jamie Masada and David, and you said that Jamie told you David wanted to set up a committee to get more money, right.
A. Yes.
Q. And you said, with respect to Jamie and David, "One of them is telling the truth. The truth is somewhere in the middle," right.
A. Yes, I did.
Q. And the officer said, "Who do you believe to be the truth." And your response was, "I think Jamie is a pathological liar," right.
A. Well, it's difficult to say in that 3075

situation. I still don't know the truth, so it's difficult to say.
Q. Well, let me ask you this, if you recall the conversation. I know you didn't know they were recording you.
You could have responded, "I think David is a pathological liar," but you didn't. You said, "I think Jamie's a pathological liar," right.
A. Right.
Q. And then the officer said, "Jamie is." And you said, "Yes."
Now, that's not just hyperbole, is it.
A. Sometimes he confuses incidents.
Q. Do you remember after you said, "I think Jamie is a pathological liar," the officer said, "Jamie is." And you said, "Yes". Do you remember that.
A. Yes.
Q. Okay. So you did say that, right.
MR. AUCHINCLOSS: Objection; cumulative.
THE COURT: Asked and answered; sustained.
Q. BY MR. MESEREAU: What do you recall about the idea that a committee would be formed to raise more money.
A. Well, I had reason to believe that a few years prior to David asking me for more money, there had been some kind of committee at The Laugh Factory set up to help comedians that needed help. So the 3076

word “committee” was familiar to me in that there had been a committee at The Laugh Factory that was designed to give money to comedians in need. But I think the committee didn’t sustain itself and had been long since dissolved.
So, that’s what made me think that Jamie might have said that to David; that there was a committee that could decide to give the family more money. But there wasn’t a committee, to my knowledge. And Jamie insists that David made it up to try to get more money from me, so I really don’t know where the truth is.
Q. Okay. In this interview, do you remember telling the Santa Barbara sheriff that, “Janet needs to see a psychologist”.
A. No.
Q. Would it refresh your recollection if I show you the transcript.
A. Okay.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that transcript.
A. Yes, I have.
Q. Does it refresh your recollection about what you told the Santa Barbara sheriff.
A. Yes, it does. 3077

Q. Did you tell them that, “Janet needs to see a psychologist”.
A. I told them that I had told David during the periods of time when Janet was not appearing at the hospital, and I found that to be very peculiar, that if she couldn’t be -- if she couldn’t be there for her son, that she might need to see a psychologist, because she was -- it didn’t seem like natural mother behavior.
Q. Okay. Now, with respect to Janet, you told the Santa Barbara sheriff that anytime the Arvizos got someone’s phone number, they would use it, right.
A. They liked making phone calls.
Q. And who do you know that they used to call besides yourself.
A. They called Jamie. Chris Tucker. George Lopez. And they called Jay Leno.
Q. And you -- excuse me. Something in my throat.
You told the sheriffs, “I have people call me at home and say, ‘What do you want me to do with these people.’ They won’t stop calling,” correct.
A. That was concerning the Jay Leno incident.
Q. Did Jay Leno tell you they won’t stop calling him.
A. He told me they had left about three messages on his voice mail. 3078

Q. Okay. And you told the sheriffs you took
David aside and said, “Stop calling all these
people,” right.
A. I said specifically, “I’ve been asked by Jay
for you to stop calling Jay.”
Q. Okay. Now, are you -- have you ever heard
any recorded phone conversation between the Santa
Barbara sheriffs and Jay Leno in this case.
A. No, I haven’t.
Q. Okay. Have you discussed what’s on that
recorded conversation with any prosecutor.
A. No, I haven’t.
Q. Did you tell the prosecutors in your meeting
that Jay Leno had asked you to tell these people to
stop trying to contact him.
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I told them that.
Q. BY MR. MESEREAU: Who did you tell that to.
A. The detectives that interviewed me.
Q. Okay. Do you know approximately when you
told them that.
A. It would have been Craig, when -- a few
months ago.
Q. Would that be Craig Bonner.
A. Yes.
Q. Okay. And where did that meeting take 3079

place.
A. At a recording studio.
Q. Is that in Los Angeles.
A. Yes.
Q. Okay. And who was at that meeting.
A. Me and Craig and someone he -- another detective that he brought with him.
Q. Okay. Now, when you told the sheriffs, "People call me at home and say, 'What do you want me to do with these people. They won't stop calling,'" that sounds like it's more than just Jay Leno, doesn't it.
A. But I wouldn't have said that, because I was specifically talking about Jay.
Q. Would it refresh your recollection if I just show you what is in the transcript.
A. Okay.
MR. MESEREAU: May I approach, Your Honor.
THE COURT: Yes.
MR. MESEREAU: Thank you.
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that passage.
A. Yes, I have.
Q. Does it refresh your recollection about what you told the Santa Barbara sheriffs.
A. Yes, it does.
Q. And you said "people" call you. You didn't 3080

1 just limit it to Jay Leno, right.
2 A. No. I said, “Jay called me at home.” So
3 that’s a mistype.
4 Q. That’s a mistype.
5 A. Yeah.
6 Q. Okay. Did you remember telling the Santa
7 Barbara sheriffs, “I don’t know who’s putting the
8 kids up to all the phone calls”.
9 A. Yes, I do.
10 Q. And did you say that because you knew that
11 the Arvizo children were calling celebrities by
12 phone.
13 A. I did know they were calling. I didn’t know
14 it was Gavin’s initiative - Gavin likes to pick up
15 the phone and call people - or if they were being
16 asked by their parents to do it.
17 Q. Okay. So you told the sheriffs, “They would
18 go over to his house anytime they encountered a
19 celebrity if they felt to be important. They would
20 go over the top with cards and phone calls. And at
21 first I thought, after I found out what -- maybe
22 they saw celebrities as a lifeline to get out of her
23 situation -- to get her out of her situation that
24 she had gotten into at 16.”
25 Do you remember saying that.
26 A. Yes, I do.
27 Q. You’re referring to Janet Arvizo, correct.
28 A. Yes. 3081

Q. You were referring to the fact that Janet Arvizo became -- got married at the age of 16, right.
A. Yes, I was.
Q. And what you were telling the sheriffs was you thought Janet and the family were trying to latch on to a celebrity to get out of their situation, true.
A. Latch on to anyone who could help them.
Q. Okay. You told the sheriffs, after Gavin got ill, you rarely saw Janet, right.
A. Right.
Q. But you stayed in touch with her by phone, didn't you.
A. Yes, I did.
Q. Now, the prosecutor asked you some questions about Janet talking to you on the phone and you detected she was scared, right.
A. Yes.
Q. She wanted you to meet her in Van Nuys, correct.
A. In Sherman Oaks.
Q. Okay. Just -- you told the sheriffs she wanted to meet you in Van Nuys, Van -- Ventura, at Von's, correct.
A. Yeah. That would be Sherman Oaks.
Q. Okay. Okay. And you told the sheriff that she wanted you to come and get them, right. 3082

A. Yes.
Q. And you were on your way out the door,
right.
A. To do something else, yes.
Q. And you said, “I didn’t really want
something about the Arvizos.” You were afraid of
David,” And “I just didn’t want them at my house.”
Do you remember that.
A. Right.
Q. She wanted you to take them to your house.
A. Yes, she did. Yeah.
Q. Do you recall either David or Janet wanting
you to take Davellin and Gavin to a movie set.
A. No, I don’t.
Q. Well, at some point you told the sheriffs
you thought David had made inappropriate remarks to
you, right.
A. Oh, are you talking about when we went to
see Adam Sandler.
Q. I’ll ask you about that for sure, but let me
just stick to what I asked you first.
You did tell the sheriffs that, in your
opinion, David had made some inappropriate remarks
to you, right.
A. Yes. Yes.
Q. And you told the sheriffs that you were
asked to take Davellin and Gavin to a movie set,
right. 3083

A. I was asked to accompany Gavin and David to a movie set because Jamie had another appointment after the meeting he had set up between Gavin and Adam Sandler. So I was asked to drive David there and drive David and Gavin back to The Laugh Factory.
Q. And you were uncomfortable with Janet making comments to the effect, "You're David's Sweetheart," right.
A. She said something to that effect to me at one point.
Q. And you didn't like that comment.
A. No. They were married.
Q. Okay. And you told the sheriffs that David made inappropriate comments to you about Gavin starting to get erections, right.
A. Yes, he did.
Q. And that made you uncomfortable, didn't it.
A. I didn't -- I didn't think that line of -- that area needed to be discussed. It would have been embarrassing to Gavin if he had known.
Q. Okay. And you first met David at the hospital, right.
A. Yes.
Q. Now, when did you say David started going to The Laugh Factory on a regular basis.
A. Around about that time. You know, we told him, "If you need a break and you want to come hang out," Jamie told him. Jamie invited him. 3084

1 Q. Okay. Did you think that he and Jamie were
2 close friends.
3 A. Not any closer than David and I. I
4 didn't --
5 Q. You did tell the sheriffs you thought you
6 and Jamie were the ones who were most involved with
7 this family.
8 A. Yes, we were.
9 Q. Okay. And at some point you learned that
10 Michael Jackson seemed to be very involved with this
11 family, right.
12 A. They were going up to the ranch, yes.
13 Q. And at some point, did it appear to you that
14 you saw them less often because they were spending
15 time with Michael Jackson.
16 A. Yes, because Gavin was getting better and
17 they seemed to be spending more time with Michael.
18 Q. Okay. When you and Fritz Coleman visited
19 the address on Soto Street --
20 A. Yes.
21 Q. -- that was around Christmastime; is that
22 right.
23 A. Yes.
24 Q. And what did you bring them.
25 A. A microwave, a Play Station, and some games.
26 Q. Now, how close in time was that visit to
27 your writing your first $10,000 check; do you know.
28 A. I wrote the check in June when he got ill, 3085

1 so --
2 Q. Okay.
3 A. -- however many months that is. Seven.
4 Q. So you began giving them gifts in December,
5 right.
6 A. Yes.
7 Q. And the first $10,000 is written in June.
8 A. Yes.
9 Q. And the next one's written in July.
10 A. Yes.
11 Q. Okay. In this interview with the police,
12 which you didn't know was being recorded, do you
13 remember telling them, "I didn't know what was going
14 on with the family. They were always kind of
15 strange".
16 A. I might have said words to that effect.
17 Q. Do you know if you did.
18 A. Yes, but by "strange," I didn't mean them as
19 individuals. I meant the family as an entity.
20 Q. You didn't mean them as individuals. You
21 just meant when they all get together, they're
22 strange. Is that the idea.
23 A. I couldn't really put my finger on what was
24 out of balance within this family structure.
25 Certainly not the children. Never the children.
26 Q. Okay. But clearly you were -- you were
27 suspicious these children are being coached to lie,
28 correct. 3086

A. I was.
Q. Okay. When did you begin to be suspicious that this family was being -- excuse me, that these children were being coached to lie.
A. Not to -- oh, did you say "to lie". I didn't hear the word "to lie." I thought you said, "Coached along."
Q. Coached to lie.
A. "To lie." I wouldn't make that statement.
Q. You certainly told the sheriffs words to that effect.
A. Well, that they would stretch the truth as it -- you know, when it came to presents or what they had received; that they would say, "We got love." "What did you get for Christmas." "We got love." That sounds coached to me.
Q. But you thought the children were also being coached by the parents to, in effect, plead poverty.
A. No, just that they hadn't received a Christmas gift.
Q. Hadn't received Christmas presents when you knew they had.
A. Yeah. Yes.
Q. Okay.
A. Gavin told me, when I got to the hospital, that Michael had given him a Play Station 2. A Play Station 2.
Q. What else did you learn Michael Jackson had

given Gavin at the hospital.
A. That was -- that was the day that Star, on the phone, had said they "just got love." And when I got to the hospital, Gavin told me the truth.
Q. And when was this.
A. Christmas of 2000.
Q. Okay. Now, you knew that Janet Arvizo wanted her kids to be in show business, right.
A. I believe she did, yes.
Q. And how did you learn that.
A. She had told me that she had taken them to tap as young children, to tap dancing, and had become involved in a dance academy, and that she felt that all of the children wanted -- wanted to perform; that she wanted that for them.
Q. When you first visited the Soto Street address during Christmastime --
A. Yes.
Q. -- did you know where Janet's parents lived.
A. No. I wouldn't have known at that point, no.
Q. Had she told you there was an address in El Monte that "we use also".
A. No.
Q. Was it your belief that the family lived exclusively at the Soto Street address.
A. Yes. It was at that time, yes.
Q. And that's what they represented to you, 3088

right.
A. Yes, they did.
Q. Okay. I don't know if I got the answer. If I didn't hear it, I apologize, but I asked you what you learned Michael Jackson had given the Arvizos at the hospital.
A. Oh, he had sent a large basket of toys, and that he -- in the year when nobody could find a Play Station 2, he had found a Play Station 2 for the kids.
Q. You've indicated you and Fritz Coleman were giving gifts to this family at least half a year before you heard Gavin had cancer, correct.
A. Yes.
Q. Now, somebody must have told you the family didn't have any money, right.
A. We -- I came to believe that over the course of the previous summer where I had come to know them.
Q. And how did you come to believe that this family was impoverished.
A. The children would display it in their material on stage, their comedy material. And they would take the bus, sometimes not have enough money to take the bus back home.
Q. Now, you say the children would display this in their comedy material. Do you mean they would do comedy routines about how poor they were. 3089

A. I don't remember any specific jokes, but it -- a lot of children in that class did those types of jokes.
So they may -- they very well may have. And I may have just assumed that, they were from East L.A., so they were less privileged than a lot of children. I may have done a lot of assuming in those regards.
Q. Okay. Now, how many children were in the class at that point.
A. At the beginning of the summer, it would have been 25 to 30. And the ones who actually graduate would have been about 12.
Q. How many of those children did you visit that Christmastime with Fritz Coleman.
A. No others. They were the ones that we chose.
Q. Is there a reason why you chose the Arvizos to visit and not any of the other families.
A. Fritz told me that he wanted to bring his children to -- to bring gifts to other children that didn't have the privileges that they enjoyed, and I immediately thought of the Arvizos. And probably one of the reasons would have been that there were three kids.
Q. Okay.
A. A lot of kids that come to comedy camp, it's just an individual kid. So the Arvizos stuck in my 3090

memory because they were a family.
Q. Do you remember ever receiving a call from Janet informing you that somebody had repossessed her car.
A. No. She told me she didn't have a car, because I would ask if she could meet me, you know, if she and the kids could meet me, and she would say she didn't have a car.
Q. Do you recall her ever telling you that somebody had repossessed a car that Michael Jackson had given her.
A. No. I knew that Michael had given them a car, and then I knew that then they didn't have a car, but it was very unspecific as to why.
Q. And didn't Janet tell you at some point that David had damaged the car that Michael Jackson had given the family.
A. She led me to believe that he had, but she -- she was talking very vaguely, that David had crashed a car. And I don't know if she meant the car that Michael had given them, but that he had caused a scene and went on a rampage and crashed a car.
Q. But she didn't give you any details about it, right.
A. Not in terms of it having been Michael's car, no.
Q. I think it goes without saying that, for the 3091

most part, you believe Janet rather than David when it came to their marriage difficulties, right.
A. I have come to that conclusion, yes.
Q. Yeah. You believe Janet more than David, right.
A. Yes, I do.
Q. Okay. You weren't a witness to anything going on in the home, were you.
A. No, I wasn't.
Q. Okay. And when did you last talk to David.
A. After -- if you have it on record when he lost custody of the children, right around that time period.
Q. Okay. And did you used to discuss their marital problems with Janet.
A. He would make comments, but this was -- he only called me after he lost the custody battle, because he wanted to tell me that everything she said was not true and everything he said was true, and I didn't want to be involved in that type of conversation.
Q. Do you remember telling our investigator that, with regard to Janet's claims of David's abuse, a lot of things said by Janet didn't seem to match up.
A. I don't think I meant it in terms of the abuse.
Q. Okay. But you certainly told our 3092

investigator a lot of things Janet told you just
didn't seem to match up, correct.
A. There are some inconsistencies in things
that she has said.
Q. Okay. And you visited Gavin at the hospital
approximately 50 times, right.
A. That might be kind of high. It might be
somewhere between 20 and 50, depending on whatever
an average of two times a week would be over the
course of a year.
Q. And you maybe saw Janet there twice; is that
correct.
A. Two or three times, yeah.
Q. Okay. Now, it was your -- you were told
that Janet was working, right.
A. Yes.
Q. But you never confirmed that, right.
A. No.
Q. Okay. Did you used to visit Gavin at
different times of day.
A. Yes, I did.
Q. Like what times would you visit Gavin
typically.
A. Sometimes at 2:00. Sometimes after dinner.
Sometimes at 4:00. Whenever I could make it over
there.
Q. And you'd see David there quite often,
correct. 3093

A. Yes, I would.
Q. And did you believe that your very generous donations allowed David to go to the hospital.
A. I wasn't sure, because he asked for the second check so quickly. I wasn't really sure where he had money from.
Q. Do you remember telling our investigator you thought Janet had a hostage syndrome.
A. Yes, I did.
Q. And you thought that began when she was married at the age of 16.
A. To an abusive man, yes.
Q. Right. Did you ever have a discussion with David about this alleged abuse.
A. No, I never knew anything about the abuse until after Janet finally told me, when she was going to court about it.
Q. Now, are you aware that at some point during the divorce, Janet, for the first time, claimed that David had molested Davellin.
A. No.
MR. AUCHINCLOSS: Objection. 403; 352.
THE COURT: The objection is overruled. The answer was, "No." Next question.
Q. BY MR. MESEREAU: Now, did you believe any of the money you donated was to go to medical expenses.
A. No, I did not. 3094

Q. Okay. You thought it was for general living
expenses.
A. Yes.
Q. Because they were impoverished, right.
A. Yes.
Q. Okay. And did you know the contractor that
went to their home to do the work on the room.
A. Yes. He was my contractor.
Q. Did you actually refer him to them.
A. Yes, I did.
Q. Okay. Okay. Would it be accurate to
describe what you saw Michael Jackson had provided
Gavin at the hospital was a large display of gifts.
Does that sound accurate.
A. It was in keeping with what I had done. I
wouldn't consider it overly large.
Q. Did you see a lot of gifts from other
celebrities at the hospital for Gavin.
A. It's possible that I did, but they were
celebrities that I knew. And Michael is a huge
star, so that would have stood out in my memory.
Q. Okay. And you remember very clearly seeing
what he had sent, right.
A. Yes.
Q. And did you discuss with Gavin that Michael
Jackson had sent him a large gift display.
A. I saw the big gift basket, and I said, "Wow,
who sent you that." And he said, "Michael." 3095

Q. Okay.
A. And I was impressed.
Q. Did you discuss with Fritz Coleman the fact that other celebrities were providing benefits to the Arvizos at this particular point in time.
A. No. We didn't know of any specific benefits.
Q. Okay. Did you talk to George Lopez, for example, about what he was doing, if anything.
A. No, I didn't.
Q. Did you ever discuss with Michael Jackson what he was doing for them.
A. No, I didn't.
Q. Ever talk to Chris Tucker about what he was doing for the family.
A. No, I didn't.
Q. You mentioned Adam Sandler. Was it your understanding that Adam Sandler provided any benefits to the family.
A. I have no knowledge of that.
Q. Did Gavin ask you to introduce him to other celebrities, like Jim Carey.
A. Gavin never asked me those questions. He would ask Jamie those questions.
Q. How do you know that.
A. That's what Jamie told me, that he would ask Gavin, "Who do you want to meet." And Gavin would tell Jamie. 3096

1 Q. Okay. Was it your understanding that Jamie
2 would try to arrange those meetings.
3 A. Yeah, he did. I saw -- I know he did.
4 Q. Who did you see Jamie arrange meetings with
5 for Gavin.
6 A. With Adam Sandler. And then he called
7 Quincy concerning Michael.
8 Q. Called Quincy Jones.
9 A. Yes.
10 Q. Do you know if Quincy Jones ever got
11 involved with the Arvizo family.
12 A. No, I think it was Quincy's office that
13 called Neverland.
14 Q. Okay.
15 A. Or gave Jamie the number to call Neverland.
16 I'm not sure exactly how it transpired.
17 Q. All right. Now, you indicated you thought
18 David had obtained moneys that were raised at a
19 fund-raiser, right.
20 A. Yes.
21 Q. How did you know he got that money.
22 A. I saw it handed to him.
23 Q. Okay. Did Jamie hand it to him.
24 A. Yes.
25 Q. And did you ever find out what happened with
26 that money.
27 A. After he threw it at Jamie.
28 Q. Yes. 3097

A. He picked it back up and put it in his pocket.
Q. And did he walk off with it.
A. Yes.
Q. You don't know what he ever spent that on, right.
A. No, I don't.
Q. You don't know if he gave it to Janet or kept it himself, right.
A. No, I don't.
Q. That was the first fund-raiser.
A. That was the second one.
Q. Who took the money at the first fund-raiser, to your knowledge.
A. David, but I didn't see it.
Q. Did somebody tell you he took the money.
A. It was just assumed that the benefit was for him.
Q. Okay. And you don't know what that money was spent on either, right.
A. No, I don't.
Q. You don't know if he gave it to Janet or spent it himself, right.
A. No, I don't.
Q. Now, after you had your phone call with Janet where you thought she was scared, you said you called your lawyer, correct.
A. Correct. 3098

1 Q. You didn't call the police, did you.
2 A. No, I didn't.
3 Q. You never called the police about anything
4 Janet told you, correct.
5 A. Right. Correct.
6 Q. Have you talked to anyone about -- excuse
7 me.
8 Before you took the witness stand yesterday,
9 did you discuss with anyone what you were going to
10 say in court.
11 A. I just had pre-interviews with Gordon.
12 Q. How many pre-interviews did you have with
13 Gordon.
14 A. One.
15 Q. And when was that.
16 A. Friday -- Saturday, maybe. Saturday.
17 Q. And did Gordon tell you what he was going to
18 ask you.
19 A. He just went over the events with me.
20 Q. Okay. Did he discuss what you were going to
21 say.
22 A. No.
23 Q. Did you go over any of your sheriffs'
24 interviews with him.
25 A. No, I didn't.
26 Q. All right. Are you aware of the Arvizos
27 ever meeting Kobe Bryant.
28 A. I've only read it in the media recently. 3099

Gavin may have told me at that time, but I just don't recall it.
Q. And do you know -- are you aware of the Arvizos ever meeting Mike Tyson.
A. No, I wasn't familiar with that at all.
Q. Okay. Do you know anything about Gavin's behavior at his school before the year 2003.
A. Yes. One of the teachers came to the hospital to visit him, and she joked about it.
Q. Do you know, for example, whether or not Gavin was repeated disciplined by virtually every teacher at school.
A. I think he was chatty. You know, we joked about that he was -- he talked a lot. And --
Q. Did you ever look at his school records.
A. No, I didn't.
Q. Do you know anything about him fighting in school.
A. No, I don't.
Q. Do you know anything about him getting up in the middle of class and starting to sing.
MR. AUCHINCLOSS: Objection; relevancy.
MR. MESEREAU: I think it's been opened, Your Honor.
MR. AUCHINCLOSS: Has no bearing on credibility.
THE COURT: The objection is overruled.
THE WITNESS: I don't know anything about 3100

1 that, no.
2 Q. BY MR. MESEREAU: Do you know how many
3 teachers disciplined Gavin at his school, if any.
4 A. No, I don't, other than it had been
5 discussed in a joking manner by a teacher that came
6 to visit him at the hospital.
7 Q. Do you know whether Gavin was often sent to
8 detention at his school.
9 A. No, I don't.
10 Q. Do you know whether he called teachers
11 names.
12 A. No, I don't.
13 MR. MESEREAU: Okay. No further questions,
14 Your Honor.
15 THE COURT: Redirect.
16 MR. AUCHINCLOSS: Thank you, Your Honor.
17
18 REDIRECT EXAMINATION
19 BY MR. AUCHINCLOSS:
20 Q. Miss Palanker, as far as the contractor,
21 your contractor that worked with the Arvizos --
22 A. Right.
23 Q. -- I just want to make sure I understand
24 what his arrangement was with the Arvizo family. Do
25 you know if he originally intended to be paid for
26 his work.
27 A. He intended to be paid for the cost of the
28 materials. 3101

Q. Okay. So he originally intended to work for free, and just be paid for the cost of the materials.
A. Yes.
Q. You've made several statements about Janet's emotional state, her mental state. There's some words like "bipolar," "whacky," "over the top."
A. Right.
Q. Can you explain that.
A. She's very emotional.
Q. What do you mean by that.
A. She's very emotional, very excitable, very gregarious. And I -- I didn't know how to interpret her nonpresence at the hospital. I may know more about that now, but it's all just speculation. But that was unusual behavior for a mother.
Q. Okay. You feel like you understand more about that now.
A. I do, yes.
Q. And why is that.
A. I've been told that David was beating her up, and threatening her if she would come down there, that he was going to kill her.
Q. You also talked about the children making phone calls to celebrities.
A. Yes.
Q. I believe so far we've talked about Chris Tucker. He was one, correct. 3102

A. They were friends with Chris.
Q. So as far as you know, did Chris Tucker enjoy talking on the phone to the children.
A. I know that he did.
Q. What about Jamie.
A. Jamie loves the children.
Q. What about George Lopez, when things were still okay between the family.
A. He loves the children. He had a problem with David.
Q. Did you ever see Janet selling tickets at the hospital to the benefit.
A. No, I didn't.
Q. And there was a great deal of testimony dealing with the subject of coaching the Arvizo children.
A. Uh-huh. Right.
Q. Did you have an impression as to who would be the coach in that situation.
A. No, I really didn't.
Q. Okay.
A. I couldn't tell.
Q. Would it ever be Janet.
A. I wouldn't have been able to make that assessment.
Q. Now, specifically you've mentioned two occasions, I think, that you thought the children were coached; one involving a computer -- 3103

A. Yes.
Q. -- and another involving when Star was coached, you felt he was coached about saying he just got love for Christmas.
A. Yes. And as soon as David went down to the car, Gavin told me the truth.
Q. Okay. Let's talk about that. Tell me the circumstances of that second incident.
A. I called to make sure they were there, because I wanted to bring them my presents for Christmas. And I said, "What else did you get for Christmas, Star." And he said, "Just love."
Q. Now, was this -- were you in the room at the time.
A. No, I was on the phone --
Q. Okay.
A. -- to make sure they were there before I came down.
Q. And this was at the hospital.
A. Yes.
Q. And Gavin's hospital room.
A. Yes.
Q. And so you're talking to Star, and you ask him this question, and he says what.
A. "Just love."
Q. And that sounded what to you.
A. It sounded coached.
Q. Okay. But did you know it was coached. 3104

A. No, I didn't know it.
Q. It just sounded funny to you.
A. It didn't sound like something a child would say, unless they say that in their family, unless it's like a family thing, that that's what they say.
Q. Okay. So then you go back down to the hospital.
A. Yes.
Q. How much time between the phone call and the trip to the hospital.
A. Half hour.
Q. And who do you find when you're at the hospital. Who's there.
A. All three of the children and David.
Q. Okay. Anything else said about what the kids got for Christmas.
A. When David took my gift down to the car, Gavin told me that Michael had given them a Play Station 2.
Q. And what impression, if any, did that leave upon you.
A. I went, "Oh." Well, I was happy for them. And I -- I felt that, with David gone, they would tell me the truth.
Q. Did you notice any difference in the behavior between the children when they were around David and their mother.
A. They were much more affectionate with their 3105

1 mother.
2 Q. Are those the only two incidents where you
3 felt you had an impression that the children were
4 coached.
5 A. Those were the only two, yeah.
6 Q. Okay. But, in fact, did you ever see any
7 coaching going on.
8 A. Never.
9 Q. Have you ever seen Janet Arvizo under any
10 circumstances where you believe she was teaching her
11 children to lie.
12 A. No. Never.
13 Q. Have you ever had that impression.
14 A. No.
15 Q. There was a statement that I believe you
16 said there were some unintelligible remarks about
17 it, but I want to find out what your true feelings
18 are.
19 A. Okay.
20 Q. Something about Janet making David do
21 things.
22 A. I never said anything to that effect.
23 I wouldn't have witnessed any of that behavior,
24 ever.
25 Q. Is that your impression, that Janet made
26 David do things.
27 A. No.
28 Q. What is your impression of the powers 3106

between Janet and David.
A. That she was very intimidated by him. And that after he was gone, she could tell me the truth, and so could the children.
Q. How much time -- how long have you known the Arvizo children since David left. I guess the better question would be, how long has it been since David left that family.
A. Gosh, it would have been, what, like 2001 or 2002. So three years since then.
Q. Is the family different --
A. Oh, yeah.
Q. -- since that time.
A. There's a weight lifted from them. They're almost joyous. When I'm in their presence, they're laughing and joking, easy to be around.
Q. You mentioned that -- there was a remark that you made about Jamie Masada being a pathological liar.
A. Yes.
Q. Do you think Jamie Masada is a pathological liar.
A. No, I don't.
Q. That was an exaggeration.
A. Exaggeration, yeah.
Q. And there was a discussion about the issue of there being a Laugh Factory committee.
A. Right. 3107

Q. What specifically did David tell you about this committee. I'm not sure I understand that.
A. He had me on the phone and he started going into it again, about the money. And then he said, "Jamie told me that you are on a committee" -- "you" meaning me -- "are on a committee and that you can bring up at the next meeting that the committee would vote to give us money."
And I said, "I don't know what you're talking about. There is no committee. I'm not on a committee."
The only thing I knew about a committee was that my boyfriend at the time, maybe three years prior, had been on a committee where they voted to pay for a comedian's dental work, and that's the only thing I think the committee did before it was dissolved.
Q. Have you had a chance to talk to Jamie Masada about this case.
A. I've talked to him. He wanted to --
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: That's a "yes" or "no" question.
THE WITNESS: Yes, I have.
Q. BY MR. AUCHINCLOSS: All right. And do you have an impression of Jamie Masada's conduct towards the Arvizo family.
A. He -- 3108

MR. MESEREAU: Objection; nonresponsive.
MR. AUCHINCLOSS: I mean --
Q. That's a "yes" or "no," first of all.
A. Could you ask it again, please.
Q. The question is, do you have an impression of Mr. Masada's -- how he behaved and treated the Arvizo family.
A. Yes. I have a strong impression, yes.
Q. And what is that.
A. He cares very deeply for them, and he wants to do the right thing.
Q. You also said something about celebrities or famous people being a lifeline to this family.
A. Yes, I did.
Q. What did you mean by that.
A. It felt to me like Janet was reaching out to people who were more stable so that they could pull her out of her circumstances and help her stabilize herself. Like she was almost desperate for stabilization or to rescue her children from this situation. The more people that she let know, the more likely she would be able to get help for herself and her kids.
Q. Do you perceive her to be vulnerable.
A. Yes.
Q. Why.
MR. MESEREAU: Objection. Relevance; foundation. 3109

THE COURT: Sustained.
MR. AUCHINCLOSS: I believe counsel has questioned her extensively about Miss Arvizo's character and psychological wherewithal.
THE COURT: The objection was sustained.
MR. AUCHINCLOSS: All right.
Q. Has Gavin Arvizo ever lied to you.
A. No.
MR. MESEREAU: Objection. Move to strike; calls for speculation.
MR. AUCHINCLOSS: Counsel has questioned extensively about specific instances of Gavin Arvizo and issues of credibility.
THE COURT: You're limited in your character evidence to the evidence you've already put on.
Q. BY MR. AUCHINCLOSS: You mentioned that Janet was interested in getting her children into entertainment.
A. Yes.
Q. Did you -- did you perceive that as a good thing, or a bad thing, indifferent. Tell me.
A. I don't have a good opinion about pushing children into show business, but that wasn't the feeling I got. The children wanted to perform.
Q. Did you know that she put her children -- enrolled her children in other extracurricular activities other than just entertainment.
A. Oh, lots of them. 3110

Q. Like what.
A. They're in the sea cadet program. Davellin was in the police cadet academy program. They're in -- I don't remember the others, but I think they're well-rounded children.
Q. Was that -- did Janet have something to do with getting her in these programs; do you know.
A. Oh, yeah. Yes. The boys play football.
Q. Have you been around Miss Arvizo, Janet Arvizo, around other people.
A. Yes.
Q. Other celebrities.
A. Yes.
Q. Have you ever seen her ask for money from anybody.
A. No, never.
Q. Ever seen her angling for money.
A. Never.
MR. MESEREAU: Objection; vague.
THE COURT: Overruled.
Excuse me for a moment. A moment ago you made a motion to strike, and I grant that now.
MR. MESEREAU: Okay. Thank you.
Q. BY MR. AUCHINCLOSS: Getting back to the phone call that counsel questioned you about, when Janet called you and she was upset, did she express any other fears that she had at that time.
MR. MESEREAU: Objection. Leading, and 3111

hearsay, and no foundation.
MR. AUCHINCLOSS: Counsel has asked her about part of the statement, and I'm asking to have the entire statement come in.
THE COURT: All right. Then I think you need to identify the statement so he -- he and I know what you're addressing.
MR. AUCHINCLOSS: How would you like me to do that, Your Honor. Should I read it, read the question.
THE COURT: You can say, "He asked you this," and then read it, and then complete it, if that's what you're --
MR. AUCHINCLOSS: All right.
Q. Did Janet indicate that the Jackson people wanted to send her to Brazil, make her leave the country, and make her disappear.
A. Yes, she did.
MR. MESEREAU: Objection. Misstates the evidence; leading; no foundation; beyond the scope.
THE COURT: Well, the question is stricken and the answer is stricken. The jury's admonished to disregard it.
That's not what I told you to do. I told you to address the statement that you say you're going to complete first with her, so that I know what statement you're talking about.
MR. AUCHINCLOSS: All right. 3112

1 THE COURT: You're saying that --
2 MR. AUCHINCLOSS: I'm sorry, I thought I
3 made it clear.
4 THE COURT: You gave the complete statement,
5 so I don't know that.
6 Q. BY MR. AUCHINCLOSS: The statement that I'm
7 referring to is the statement in which Janet called
8 you when she appeared to be distressed. Do you know
9 what I'm talking about, which statement we're
10 talking about.
11 A. The statement that Janet made or the
12 statement that I made.
13 Q. The conversation between you.
14 A. Yes.
15 THE COURT: Now, does this go back to the
16 spontaneous declaration statement.
17 MR. AUCHINCLOSS: Well, it does, but since
18 that time, there has been an inquiry made into other
19 areas of the statement by counsel.
20 THE COURT: All right. Maybe you better show
21 me the statement so I can -- will you approach, with
22 counsel, and let me see the statement.
23 (To the jury) You can talk.
24 (Discussion held off the record at sidebar.)
25 THE COURT: All right. You may proceed.
26 MR. AUCHINCLOSS: Thank you, Your Honor.
27 Q. You also made a remark that you thought
28 Janet suffered from hostage syndrome. 3113

A. That was my assessment, yes.
Q. Okay. Do you have any training in psychology.
A. No, I don't.
Q. Okay. Did you have something specific in mind. Do you know the clinical definition of hostage syndrome.
A. I don't know the clinical definition, but it just reminded me of when Elizabeth Smart was kidnapped and she would be in public places and she wouldn't tell anybody.
Q. Okay.
A. Just reminded me of Janet.
Q. And for those who don't know who Elizabeth Smart is, I'm not going to ask you, but I'm going to ask you why you think -- or why you used that phrase to describe Janet.
MR. MESEREAU: Objection. Relevance; foundation.
THE COURT: Sustained.
MR. AUCHINCLOSS: All right. Thank you, Miss Palanker. I have no further questions.
THE WITNESS: Thank you.
THE COURT: Recross.
MR. MESEREAU: Yes, please, Your Honor.
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1 RECROSS-EXAMINATION
2 BY MR. MESEREAU:
3 Q. You made a comment that you thought Janet
4 had suffered from hostage syndrome since she was 16,
5 correct.
6 A. Yes.
7 Q. And it was your understanding at the age of
8 16 she married David, right.
9 A. Right.
10 Q. And you also talked to Janet about her
11 upbringing, did you not.
12 A. No, I don't think I did.
13 Q. Did she tell you that her father had beaten
14 her and held her hostage, too.
15 A. No, she didn't.
16 MR. AUCHINCLOSS: Objection. No foundation;
17 irrelevant.
18 THE COURT: Sustained.
19 Q. BY MR. MESEREAU: Now, the prosecutor --
20 excuse me, let me rephrase that.
21 Did you have a lot of discussions with Janet
22 about her upbringing.
23 A. Not really, no.
24 Q. But you certainly had enough discussions to
25 conclude that she has this thing about -- she's had
26 this thing about being held hostage since she was
27 16, right.
28 A. That's when she got married. 3115

Q. Right. Okay. All right. Did she ever
describe her -- describe her situation as like a
hostage syndrome since the time she was 16.
A. She didn't use those words, but that's what
she described.
Q. Okay. Okay. So she told you, in effect,
she'd been held hostage since she was 16, right.
A. Yes.
MR. AUCHINCLOSS: Objection; misstates what
the witness just said.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When you discussed Janet's
life with her, it was your impression, was it not,
that she felt she had been held hostage since she
was 16.
MR. AUCHINCLOSS: Objection. Improper
opinion; calls for a conclusion.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did Janet tell you she'd
been held hostage since she was 16.
A. No.
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: She said, "No." The answer is
in. The objection's overruled.
Q. BY MR. MESEREAU: Have you ever had any
discussion with David about his side of this story.
A. Yes, I have.
Q. And when did you last talk to David about 3116

his impression of what was happening in the family.
A. It was about 2002, right after he had lost custody of his children.
Q. And David was complaining about not having custody of his children, was he not.
A. Yes, he was.
Q. He was complaining that Janet had told the children what to say, wasn't he.
A. No.
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Where did you have a discussion with David.
A. On the phone.
Q. Did he call you.
A. Yes, he did.
Q. And was that the only discussion you had with him about the domestic situation.
A. Since the divorce, that -- there were two phone calls. Two phone calls.
Q. Did David ever tell you his belief that Janet used to coach the children.
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever have any discussions with David about Janet coaching the children.
MR. AUCHINCLOSS: Objection; hearsay. 3117

1 THE COURT: Sustained.
2 Q. BY MR. MESEREAU: How long was your
3 conversation with David.
4 A. Very short. I didn't want to be in the
5 middle of that domestic situation.
6 Q. But in a sense, you ended up in the middle,
7 sort of, didn't you.
8 A. Yes, I have.
9 Q. You did because you've become a good friend
10 of Janet, right.
11 A. I wouldn't classify it as "good friend."
12 Q. Certainly more friendly than with David.
13 A. Yes.
14 Q. Because David offended you, didn't he.
15 A. To a certain degree, he did.
16 Q. You thought his comments to you were very
17 inappropriate.
18 A. Yes.
19 Q. You thought he might be interested in you.
20 A. Sometimes, yes.
21 Q. For a relationship, right.
22 A. Yes.
23 Q. And you complained about that, true.
24 A. I didn't complain to him about it.
25 Q. But you complained to others about it, did
26 you not.
27 A. Maybe to a couple of -- I think I told Jamie
28 that I didn't want to be left alone with him again. 3118

Q. Right. Right. And needless to say, David never was a close friend of yours, correct.
A. No. He wanted to be, I think.
Q. And when did you last see him.
A. Probably the last benefit.
Q. Now, you admitted telling the sheriffs in a conversation you did not know they were recording that Masada was a pathological liar and then they asked you to confirm that, and you said, "Yes." You come here today, under oath, and you completely change your statement. Why.
A. I haven't completely changed it.
Q. Well, didn't the prosecutor just get up and ask you if you thought Jamie Masada was a pathological liar.
A. I don't think I'm clinically trained to make that diagnosis. So if I made that comment, it -- it was an exaggeration.
Q. Do you think you need clinical training to look at someone, evaluate what they're saying, and conclude they're a pathological liar.
A. I don't even know the clinical definition of "pathological liar."
Q. How about a nonclinical definition. Just an ordinary common sense one.
A. Someone that's been caught misrepresenting past events.
Q. And when you told the police he was a 3119

pathological liar, you were accusing him of doing just that, weren't you.
A. Of doing that, yes. But I don't think I'm qualified to call him a pathological liar.
Q. Because you're not a psychiatrist or psychologist.
A. Right.
Q. But don't -- in your experience, don't ordinary people often look at others and say, "That person is a pathological liar".
A. Those would be opinions.
Q. When you told the sheriffs he was a pathological liar, you were telling them the truth, correct.
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Overruled.
You may answer.
Q. BY MR. MESEREAU: Right.
A. I was telling him an opinion.
Q. An opinion that you believed was true, correct.
A. I was probably exaggerating.
Q. Then why did you confirm it two sentences later that it was true.
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: When Janet was going 3120

through her divorce with David, did you have much
interaction with Janet.
A. Yes. We talked on the phone quite a bit.
Q. Did you meet her in person, ever.
A. Not during that period.
Q. Okay. Would she call you every day.
A. No.
Q. Would she call you every other day.
A. Once a week, maybe.
Q. Did you ask Janet to stop calling
celebrities on a regular basis.
A. No.
Q. Did you ever ask any of the Arvizos to stop
calling Jay Leno.
A. David.
Q. Okay. Did you ever ask Janet to stop
calling.
A. No.
Q. Have you ever talked to Jay about whether or
not he ever spoke to Janet -- Gavin and Janet on a
phone call.
A. Jay said he had placed a phone --
MR. AUCHINCLOSS: Objection. I'm going to
object as hearsay.
THE COURT: The question requires a "yes" or
"no."
THE WITNESS: Okay. Ask it again, please.
MR. MESEREAU: Yes. 3121

Q. Have you ever spoke to Jay Leno about whether or not Jay Leno believes he was in a phone conversation with Gavin and Janet.
A. Yes, I spoke to him about it.
Q. Okay. Have you ever spoke to Mr. Leno about what he told the Santa Barbara sheriffs about that.
A. No, I have not.
Q. Have you ever spoke to Mr. Leno about whether or not he knows he was recorded in that conversation by the Santa Barbara sheriffs.
MR. AUCHINCLOSS: Objection; relevancy.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, you told the sheriffs that David claimed that Janet was abusive, correct.
MR. AUCHINCLOSS: Objection.
THE WITNESS: Yes, he --
MR. AUCHINCLOSS: Hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you tell the Santa Barbara sheriffs yourself that David believed Janet was abusive.
MR. AUCHINCLOSS: Objection; hearsay. Ask the Court to admonish counsel not to go into this area.
THE COURT: The objection is sustained. Hearsay.
MR. MESEREAU: All right.
Q. How many greeting cards did you receive from 3122

1 the Arvizo children.
2 A. Maybe --
3 MR. AUCHINCLOSS: Objection; beyond the
4 scope.
5 THE COURT: Sustained.
6 Q. BY MR. MESEREAU: Where did the name
7 "Wheezy" come from.
8 A. That's short for "Louise."
9 Q. Okay. And did Janet come up with that one.
10 A. No. I've been called that most of my life.
11 Q. Okay. Do you recall the Arvizo children
12 ever referring to you in terms like "mother".
13 A. No, they never did.
14 Q. Did they ever talk to you in terms of their
15 being part of your family.
16 A. No, just like a guardian angel, words like
17 that.
18 Q. Okay. Did they do that on a regular basis.
19 A. No, only on a card.
20 Q. Okay. Now, you were at both fund-raisers at
21 The Laugh Factory, right.
22 A. Yes.
23 Q. And what time did they start, if you know.
24 A. Probably around 8:00.
25 Q. And I believe you told the jury that you
26 didn't want to sit in the front and help collect
27 money; is that true.
28 A. Yeah. That's true. Yes. 3123

Q. Okay. And was it your understanding that
the Arvizo family sat in the front to collect money.
A. I believe I saw them -- I saw them sitting
behind a table.
Q. Was that at both fund-raisers.
A. I don't know who did at the first one. I
just remember that at the second one.
Q. And if you walked into The Laugh Factory,
would you just see a table where they were sitting.
A. Yes. The way you would for any fund-raiser.
Q. And would the first people you saw as you
walked in The Laugh Factory be the Arvizo family at
those fund-raisers.
MR. AUCHINCLOSS: Objection; vague as to
"the Arvizo family."
THE COURT: Overruled.
THE WITNESS: You would see the doorman, and
he would escort you to where you would pay for your
tickets, which would be them.
Q. BY MR. MESEREAU: So were you paying for
your tickets by paying a member of the Arvizo
family.
A. They had a money tray at The Laugh Factory
that you --
Q. And would they then give a ticket to get in.
A. Yes.
Q. Would they stamp your hand or anything like
that, if you know. 3124

A. No, just a ticket.
Q. Who trained the members of the Arvizo family how to accept money and give tickets to the fund-raiser; do you know.
MR. AUCHINCLOSS: Objection; assumes they were trained.
MR. MESEREAU: I'll rephrase it, Your Honor.
Q. Do you know if anybody instructed the Arvizo family how to handle the fund-raisers.
A. I don't know anything about that. I was upstairs while that took place.
Q. Why did you not want to be there at the entrance helping with the tickets.
A. Because I had already given them -- I had already given them money, and I just -- I didn't want to be in a position where I was the one taking the money. I just -- it was just personal. I just didn't want to do that task.
Q. And to your knowledge, were the Arvizos the ones who actually added up the money or had possession of it.
A. No. Jamie did that.
Q. Well, would they collect money and put it in a box, to your knowledge.
A. Yes, there was a box.
Q. And do you know if they were supposed to add up how much there was.
A. It would surprise me if they would have. 3125

Q. Did you ever see them hand that money to Jamie Masada.
A. I saw Jamie with the money.
Q. Okay. When was that.
A. When he came upstairs to give it to David.
Q. Now, to your knowledge, were any tickets sold in advance of that fund-raiser by anybody.
A. They might have been over the phone. You know, The Laugh Factory's a business, so they may have been.
Q. Do you know if the Arvizos were given tickets to sell outside of The Laugh Factory.
A. I don't know that.
Q. Have you been to other fund-raisers at The Laugh Factory besides the two for the Arvizos.
A. Oh, yes, I've been to plenty.
Q. And typically, are tickets given to people to sell outside of The Laugh Factory.
A. I'm not aware of that. I haven't organized a fund-raiser, so I'm not aware if that's one of the ways to bring in guests. I'm not aware of that.
Q. And to your knowledge, there were two fund-raisers, right.
A. Yes.
Q. And how far apart were they, if you know.
A. I want to say six months, approximately.
Q. Okay. When's the last time you talked to George Lopez about the Arvizos. 3126

MR. AUCHINCLOSS: Objection; beyond the scope.
THE COURT: Overruled.
Go ahead.
THE WITNESS: I never had a chance to talk to George about the Arvizos, even though he was involved. By that time -- at that time, he was working mornings on a radio station, so he wasn't doing stand-up at that time, and he wasn't around for me to discuss -- I would have liked to have discussed it with him, but he wasn't around.
Q. BY MR. MESEREAU: When was the last time you talked to Chris Tucker about the Arvizos.
A. Only just in a party setting, you know, at a Laugh Factory event.
Q. And you saw Chris Tucker at these fund-raisers, right.
A. Yes.
Q. When is the last time you talked to Mr. Leno about the Arvizos.
A. During that phone conversation, when he called me.
Q. And approximately when was that.
A. It would have been sometime in 2000, after I had asked him to send Gavin a picture.
Q. Now, at the two fund-raisers, how many people do you think attended each one.
MR. AUCHINCLOSS: I'm going to object. 3127

1 Beyond the scope.
2 THE COURT: Sustained.
3 Q. BY MR. MESEREAU: You've indicated that when
4 you spoke to Janet, she wanted you to meet her in
5 Van Nuys or Sherman Oaks.
6 A. Sherman Oaks.
7 Q. Okay. And that was at a Von's.
8 A. It's now a Gelson's.
9 Q. Okay. And did you -- was it your
10 understanding she was at Von's when she called you.
11 A. It was my understanding she was nearby.
12 Q. Okay. Do you know who she was with.
13 A. No.
14 Q. Do you know how she got to Von's.
15 A. No.
16 Q. Did she tell you.
17 A. It was all very secretive. She was scared.
18 Q. She was scared, but wanted you to meet her
19 at Von's so she could come to your house, right.
20 A. So she could tell me what was happening.
21 Q. She wanted to go to your house at one point;
22 is that correct.
23 A. She wanted to be able to privately tell me.
24 She felt like she was being listened to all the
25 time.
26 Q. She wanted to visit your home, true, and you
27 said, "No".
28 MR. AUCHINCLOSS: Objection; beyond the 3128

scope.
THE COURT: Sustained.
Q. BY MR. MESEREAU: At some point in the last six months, Janet Arvizo called you and said, “Don’t talk to the defense investigator,” right.
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Sustained.
MR. AUCHINCLOSS: Ask to strike the question.
THE COURT: The objection was sustained. The answers are stricken.
MR. MESEREAU: Okay.
Q. Do you remember telling the Santa Barbara sheriffs in that interview where you didn’t know you were being recorded, “I didn’t want them at my house,” something about it, “Giving me a red flag.” Do you remember that.
A. Yes. I have boundaries with the children I teach, that I keep.
Q. Have they ever been to your house.
A. No.
Q. Have you ever driven them anywhere.
A. No.
MR. MESEREAU: I have no further questions.
THE COURT: Thank you, Counsel.
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FURTHER REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Just one question.
Do you ever have children over at your house that are part of the programs where you work with children dealing with comedy.
A. I recently started an advanced program on Saturdays, and for lack of another place, we hold it at my house. And the parents are welcome to stay.
Q. When did that happen. When did that start.
A. About six weeks ago.
Q. And prior to that time, did you have a rule that you did not allow children to come to your house.
A. Yes, I did.
MR. AUCHINCLOSS: All right. Thank you. No further questions.
Thank you, Your Honor.
MR. MESEREAU: No further questions, Your Honor.
THE COURT: Thank you. You may step down. Your testimony is completed. Thank you.
The Court will recess now, and we'll convene tomorrow morning at 8:30.
MR. MESEREAU: May the witness be subject to re-call.
THE COURT: Yes, I did not excuse her.
(The proceedings adjourned at 11:30 a.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 3059 through 3130 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on March 22, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, March 22, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304